

## **EXHIBIT 2**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

## Confidential Subject to Protective Order

## Message

**From:** Asher, Nathalie R [/O=IRMMAIL/OU=MBX SERVERS - SEA/CN=RECIPIENTS/CN=NRASHER]  
**Sent:** 7/31/2014 6:37:30 PM  
**To:** [REDACTED] /O=IRMMAIL/OU=MBX Servers - ATL/cn=Recipients/cn=[REDACTED]  
**Subject:** FW: NWDC "Protest" and Inaccurate News Release  
**Importance:** High

Sorry so late – ready when you are.

**From:** Asher, Nathalie R  
**Sent:** Thursday, July 31, 2014 11:37 AM  
**To:** [REDACTED]@ice.dhs.gov  
**Cc:** Wilcox, Bryan S (Bryan.S.Wilcox@ice.dhs.gov); Munoz, Andrew (Andrew.Munoz@ice.dhs.gov); [REDACTED]  
 [REDACTED]@ice.dhs.gov; [REDACTED]  
**Subject:** NWDC "Protest" and Inaccurate News Release  
**Importance:** High

Hi [REDACTED].

Per our conversation, yet another "protest" of sorts has been brewing over the last couple of days in the Northwest Detention Center (NWDC).

Yesterday morning (7/30/14), a total of 110 detainees refused breakfast, apparently protesting continued deportations, lack of immigration reform, and prolonged time spent in detention. All of these detainees are housed within one of three units and are low or non-criminal classification (1's and 2's). Refusal of lunch and dinner yesterday hovered around 100 detainees or so and this morning just over 100 refused breakfast from these same three units. GEO and IHSC are monitoring for any detainees participating who are skipping meals in succession in the event any hold out for nine meals and medical observation becomes necessary. It should be noted that commissary continues and detainees have full access to whatever food items they have purchased.

This refusal of meals/protest clearly is fueled from outside influence, specifically the same group of local activists demanding executive action to halt deportations as well as sweeping immigration reform. These activists have so far received minimal media interest, but did manage to get coverage from the newspaper publication "The Guardian," and provided a very exaggerated state of affairs at the NWDC. In an article released yesterday, The Guardian reports that "at least 10 pods, each containing 55 to 85 people, are refusing food." These inflated numbers were provided to The Guardian by well-known Seattle-based activist Maru Mora Villalpondo, who incidentally was part of a larger group of illegal aliens who met with DHS Secretary Johnson recently in Washington, DC.

GEO reports that several of the detainees currently refusing meals have stated they will more than likely accept the lunch meal, since no other housing units have yet joined the protest.

We don't anticipate any drastic change in current circumstances and the overall demeanor of the facility remains calm. We have received reports that yet another "large-scale" protest is being planned to take place in front of the NWDC tomorrow, 8/1/14.

I've included a link to the article, which includes a picture of protesters supposedly in front of the NWDC – no idea when this was taken, and for sure it was not within these last few days. We are in regular

ICE - 0003176

EXHIBIT	
3	
DEPONENT NAME:	DATE:
Asher, Nathalie	09/28/23

## Confidential Subject to Protective Order

communication with our outstanding local PAC who will make us aware should local media outlets come calling on this situation.

I'll of course notify you of any change of course, etc. We've been through this exercise a few times now and I am confident that our NWDC team (ERO, IHSC and GEO) will maintain order and safety in the facility.

NRA

<http://www.theguardian.com/world/2014/jul/30/undocumented-migrants-washington-detainees-hunger-strike>

Hundreds of undocumented migrants at a detention centre in Washington state have started a hunger strike, according to supporters, in the run-up to rallies and civil disobedience aimed at forcing through immigration reform.

Detainees at the Tacoma facility started refusing food on Wednesday in a planned 75-hour fast, timed to end on Saturday when activists will march on the White House to demand that President Obama break the reform logjam.

In addition to executive action to halt deportations and bypass Congress, where House Republicans have stalled legislation, the activists are demanding that the president personally meet undocumented leaders, a request which has divided mainstream immigration advocacy groups.

"We're gathering people from across the nation to pressure Obama. And when there are negotiations, we want to make sure that we have a seat at the table," Maru Mora Villalpando, a director of Latino Advocacy, told the Guardian.

In Tacoma, a detention centre outside Seattle which has been the scene of repeated protests at conditions and immigration policy, at least 10 pods, each containing 55 to 85 people, are refusing food, said Villalpando. Authorities officially recognise a hunger strike only after 72 hours, hence the 75-hour fast.

Activists from #Not1More, a coalition which uses opposition to deportations to push for wider reform, are hosting small protests in Washington DC in the run-up to Saturday's march, which they hope will help keep immigration on the political agenda while Obama and Congress head off for summer breaks.

On Wednesday, Villalpando and five others occupied the Capitol Hill office of Mark Takano, a California Democrat who is part of Congress's LGBT equality caucus. In another act of civil disobedience dozens of activists are due to kneel and pray in front of the White House on Thursday, said Jolinda Stephens, who flew to the capital from Seattle.

In a twist to the immigration reform campaign, some grassroots activists are now pressuring Washington-based advocacy groups to not meet Obama unless undocumented individuals are also invited, reflecting a perception that those inside the beltway have to an extent been coopted.

"We think President Obama is trying to divide our movement. We're saying they've done a great job but to do a perfect job we need to be there too," said Villalpando, a Seattle-based mother who is herself undocumented.

On Monday activists picketed the White House chanting "no more meetings about us, without us," and carried homemade signs saying "I am my own best advocate".

They also visited the Washington offices of the Leadership Conference for Civil and Human Rights, the Center for American Progress and the National Immigration Forum to make their case for inclusion.

The three groups gave no indication they would boycott White House meetings but Marshall Fitz, director of immigration policy at the Center for American Progress, told the Huffington Post the activists had a legitimate request and should be heard directly by Obama. "I cannot make that pledge on behalf of CAP, but I told them that I would urge the administration to engage them directly."

ICE - 0003177

## **EXHIBIT 3**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)





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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LA RESISTENCIA, and COALITION OF  
ANTI-RACIST WHITES,

Plaintiffs,

vs.

No. 3:18-cv-05860

IMMIGRATION & CUSTOMS ENFORCEMENT,  
MATTHEW T. ALBENCE, in his official  
capacity as Acting Director of Immigration  
and Customs Enforcement; and  
KEVIN MCALEENAN, in his official  
capacity as Acting Secretary of  
Homeland Security,

Defendants.

ATTORNEY'S EYES ONLY

REMOTE STREAMING DEPOSITION OF

BRYAN WILCOX

TAKEN ON  
TUESDAY, SEPTEMBER 26, 2023  
12:09 P.M.

ST. AUGUSTINE, FLORIDA  
Exhibit 3

Page 1 of 13

1 A. I guess so.

2 Q. And then this one, "NWDC Resistance," what is --  
3 what is that?

4 A. That would be their public-facing web page.

5 Q. Is -- are these separate groups?

6 A. I do not think so. I think they were -- they're  
7 basically one in the same. I don't know their actual  
8 relationship with each other.

9 Q. And it looks like this other one says "Portfolio/  
10 [REDACTED]." Who -- who is that?

11 A. I believe he was a detainee at the detention  
12 center.

13 Q. And do you know anything else about him?

14 A. No, I don't remember anything about him.

15 Q. You mentioned that Maru Mora was an activist or is  
16 an activist in Seattle. Are there other activists that you  
17 know of similar to her, I guess?

18 A. No.

19 Q. No?

20 A. No.

21 Q. Is she -- is she like the main one?

22 A. She's the one with prominence, yes.

23 Q. Okay. The most prominent one. And then it looks  
24 like you forwarded this email, subject says "Protest," and  
25 it's from [REDACTED]@geogroup.com. Who -- who is "[REDACTED]"

1 Northwest -- whatever they call themselves, the Maru Mora's  
2 advocacy group.

3 Q. And you write, "Maru Mora is the specific  
4 individual who was behind the 2014 hunger strikes and every  
5 other one since then." Do you see that?

6 A. I do.

7 Q. What do you mean by "the specific individual"?

8 A. I mean, that at that point I believe that she is  
9 the instigator and the constant instigator of hunger strikes  
10 within the NWDC on fostering disinformation both to the  
11 detainees inside and to the public on the outside.

12 Q. And you don't use the word "disinformation" in  
13 this email though, right?

14 A. No.

15 Q. "No." And you say, "Fostering hunger strikes and  
16 protests," right?

17 A. Correct.

18 Q. And then underneath the redacted part you write,  
19 "I don't think we should let her into the facility at all."  
20 Do you see that?

21 A. I do.

22 Q. Why did you write that?

23 A. Because we do not give tours to the public of that  
24 facility. That facility we give tours to government  
25 officials, federal, state, and local, or other entities that

1 have business with the detention center or in some way  
2 closely related to it. We don't give tours generally to  
3 non-governmental organizations unless they have a concrete  
4 nexus to the facility. And we don't give -- and -- and in  
5 this case, this is a group of individuals that in -- in her  
6 case, she's an illegal alien. She doesn't have any standing  
7 in front of, legally, within the country and no family or --  
8 or anybody else in that facility for her to be visiting. So  
9 we don't give tours to illegal aliens or even just your  
10 general US citizens that are curious about what things are  
11 like inside of the detention facility.

12 **Q. But what's the -- what's the harm? Like, what's**  
13 **the risk of letting her into the facility?**

14 A. The risk of letting her into the facility is that  
15 she fosters and encourages hunger strikes outside of the  
16 facility. Letting her in the facility is only going to give  
17 her greater ability to influence the minds, the detainees in  
18 the facility.

19 **Q. And you said that you don't let members of the**  
20 **public into the facility, but what's this in your November**  
21 **9th email, you cite some -- some section of some detention**  
22 **standards that you provided that's titled "Legal Rights**  
23 **Group Presentations." Can you tell me what that is?**

24 A. Legal Rights Groups Presentations are like we have  
25 right now in that facility and other facilities across the

1 -- to Ms. Maru Mora?

2 A. The basis was she entered the United States on a  
3 tourist visa and overstayed her authorized stay.

4 Q. And here you write, "If you want us to mail an  
5 NTA, it can be done today." Do you see that?

6 A. Yes.

7 Q. Why the rush?

8 MS. FAIRCHILD: Objection to form.

9 BY MS. SALVATO:

10 Q. Why did you write It could be done today?

11 A. Because we this -- this case or these  
12 deliberations have been going on for a while and it's just  
13 doing my work as it arises.

14 Q. Did it issue that day?

15 A. I don't know. I don't recall.

16 MS. SALVATO: Okay. Let's look at this next  
17 document. It'll be ICE -- no, it's USAO\_100, and we'll mark  
18 this as Exhibit 14.

19 (WHEREUPON, Exhibit 14 was marked for  
20 identification.)

21 BY MS. SALVATO:

22 Q. It's just one page. Do you recognize this  
23 document?

24 A. I do.

25 Q. And can you tell from this document, I guess,

1 **sorry. Strike that. What -- what -- what is this document?**

2 A. It looks like an email from myself to one of my  
3 employees to mail out an NTA to Maru Mora.

4 **Q. And it's dated December 6th, 2017, right?**

5 A. Yes.

6 **Q. And how do you know it's from you?**

7 A. Because although my name's redacted, it says  
8 deputy field office director for Seattle. And the other  
9 deputy field office director would be Elizabeth Godfrey in  
10 Portland, and this would not be from her.

11 **Q. Why is that?**

12 A. Because it's not in her lane.

13 **Q. I see. Okay. It looks like the bottom email is**  
14 **dated September 1st, and this one's also from you, is that**  
15 **correct?**

16 **MS. FAIRCHILD:** Objection to form.

17 **THE DEPONENT:** I -- it is from me.

18 **BY MS. SALVATO:**

19 **Q. Okay. And you write, "I want to mail out an NTA**  
20 **to Maru Mora Villalpando." Is that correct?**

21 A. That's correct.

22 **Q. Okay. Do you recall who you sent this email to?**

23 A. No, I would -- no, I don't.

24 **Q. Okay. And how about the email above? The top**  
25 **email sent on December 6th.**



1 she's placed in proceedings.

2 **MS. SALVATO:** Okay. Let's -- let's turn to --  
3 let's turn to our next exhibit. This is going to be ICE-  
4 1858, and I cannot recall what the next exhibit is --

5 **THE REPORTER:** Exhibit 15.

6 **MS. SALVATO:** -- but we'll mark as the next one.  
7 Exhibit 15. Okay.

8 (WHEREUPON, Exhibit 15 was marked for  
9 identification.)

10 **BY MS. SALVATO:**

11 **Q.** Okay. Please take a moment to look at this  
12 document. Do you recognize this document?

13 **A.** Yes, I do.

14 **Q.** What is it?

15 **A.** It's an I-213. It's a form -- it's sort of a case  
16 synopsis of immigration investigation. Based on this,  
17 management decides on whether an NTA will be issued or not.

18 **Q.** So does this precede the issuance of an NTA?

19 **A.** It does.

20 **Q.** And this is dated December 13th, 2017, is that  
21 right?

22 **A.** That is correct.

23 **Q.** Okay. And this -- what does this mean, this  
24 "Disposition: Warrant of arrest/notice to appear"?

25 **A.** It means that a warrant of arrest and/or -- well,

1 I, there was a supervisory deportation officer, an assistant  
2 field office director, and then myself. It could have been  
3 -- it could have been any of them that I might have told. I  
4 don't recall exactly who I told. I just wanted it done, and  
5 so it got done.

6 Q. Can you tell me how -- how the decision to take  
7 enforcement action is -- is typically made? Like the  
8 decision to issue an NTA, what's the typical case?

9 A. Well, the typical case, it -- it depends on the  
10 source of -- of information or an event that occurs that  
11 brings someone to our attention. If we get a call on, say,  
12 a tip line then that call is sent -- distributed to -- among  
13 the various deportation officers we have. And they're all  
14 tasked with looking into the -- the information provided on  
15 that, and checking databases and doing an investigation to  
16 determine whether somebody is amenable to removal  
17 proceedings. At that point, if they think that they have  
18 that, then they present that to a supervisory deportation  
19 officer for a decision on whether we're going to expend any  
20 energy in -- in pursuing that case, depending on the  
21 criminality of the person and -- and, you know, various  
22 other factors. If the supervisory deportation officer makes  
23 that determination, then the officer is directed to take an  
24 enforcement action, which is going to generate, at some  
25 point, this 213, which then goes back to the supervisory



1 deportation officer and they approve or not approve the  
2 issuance of a notice to appear. My officers would also  
3 encounter people directly on the street for a variety of  
4 different reasons, and they may actually arrest or -- or  
5 take custody of somebody on the spot, and then that would be  
6 followed by the proper, you know, investigation and -- and  
7 then result in the issuances of a 213. And that gets  
8 followed by the notice to appear. Depending on the  
9 specifics of a case, the decision to put somebody into  
10 proceedings and issue a notice of -- of appear may be by  
11 policy elevated to an assistant field office director. And  
12 sometimes depending on, again, the -- the significance of a  
13 case and the implications of a case, decisions to initiate  
14 proceedings may be elevated beyond an assistant field office  
15 director. But normally, these decisions are all done at the  
16 first line supervisor level in ICE.

17 **Q. I believe you testified earlier that Maru Mora's**  
18 **case was high priority?**

19 **MS. FAIRCHILD:** Objection. Misstates prior  
20 testimony.

21 **THE DEPONENT:** No, I didn't say she was a high  
22 priority. Actually, she would be a low priority, but she is  
23 nonetheless a priority.

24 **BY MS. SALVATO:**

25 **Q. Why do you consider her a priority?**

1 are in the public/community relations side of ICE, at that  
2 time, would never have approved it.

3 Q. Why not?

4 MS. FAIRCHILD: Objection. Calls for speculation.

5 MS. SALVATO: You can answer. I'm asking for your  
6 understanding.

7 THE DEPONENT: I would say because that didn't fit  
8 with the plans of the department and the administration.

9 BY MS. SALVATO:

10 Q. And you're talking about the current  
11 administration?

12 A. No, I'm talking about the administration at the --

13 Q. 2020?

14 A. Oh, I'm sorry. This is from 2020. Well,  
15 regardless, it's too blunt in what it says and our public  
16 affairs people are just not going to approve something that  
17 plain spoken.

18 Q. Okay. This next email from you and to Melissa  
19 Nitsch says, "Stuff to keep in our back pocket. I also want  
20 to shed light on La Resistencia and what a crook -- what a  
21 crock of expletives they are." Why did you write this?

22 A. Because I believe it. They foster, format,  
23 distribute lies and disinformation about ICE in general and  
24 the Northwest Detention Center in particular.

25 Q. And what were you trying to say here? Crock of

1 **what?**

2 A. Any four letter word you'd like to put in that  
3 place.

4 Q. Okay. And what does -- what does La Resistencia  
5 have to do with the resolution?

6 A. I'm sorry, what's the question?

7 Q. Why -- why are you blaming La Resistencia?

8 MS. FAIRCHILD: Objection to form. Misstates  
9 prior testimony.

10 BY MS. SALVATO:

11 Q. Why are -- why are you even discussing La  
12 Resistencia in this email?

13 A. Because La Resistencia was the impetus there, the  
14 entity that interacted with the city council to push for  
15 this resolution from the city.

16 Q. Let's see. Do you normally use this kind of  
17 strong language in your emails?

18 MS. FAIRCHILD: Objection to form. Vague.

19 THE DEPONENT: Not a lot, but sometimes.

20 BY MS. SALVATO:

21 Q. Why did you decide to use such strong language  
22 here?

23 A. Because this article and its resolution were so  
24 patently ridiculous, it was very aggravating to read them.

25 Q. And does it reflect your feelings toward this

1 **group, La Resistencia?**

2 A. Well, yeah. I think they're illegitimate. They  
3 put out a lot of wrong information.

4 Q. And then what is this email that Melissa sends  
5 back to you?

6 MS. FAIRCHILD: Objection to form. Vague.

7 BY MS. SALVATO:

8 Q. Can you tell me what your understanding is?

9 A. It's just her venting to some degree by taking  
10 their own language and making it true, I suppose.

11 Q. Do you agree with this language that she uses?

12 A. Not as a statement that the agency would issue,  
13 but do I agree with it? Yes.

14 Q. It -- it reflects your -- your views of La  
15 Resistencia?

16 A. Yes.

17 Q. Would you -- would you call them liars?

18 A. We have caught them in lies. Sometimes they just  
19 are misinformed or they pass on lies from the community and  
20 from the detainees without making any effort to corroborate  
21 them.

22 Q. I see. So is it intentional lies or accidental?

23 MS. FAIRCHILD: Objection. Calls for speculation.

24 BY MS. SALVATO:

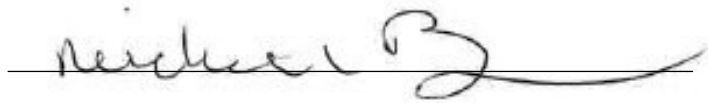
25 Q. I mean, what you just described sounded like --

CERTIFICATE

I, Michelle Byrd, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 11th day of October, 2023.

A handwritten signature in dark ink, appearing to read "Michelle Byrd", is written over a horizontal line.

Michelle Byrd

## **EXHIBIT 4**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

## Confidential Subject to Protective Order

## Message

**From:** Asher, Nathalie R [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A29D9FF1F2B84748AC5E29ED6C145A2B-ASHER, NATH]  
**Sent:** 11/15/2018 9:12:19 PM  
**To:** Rivera, David D [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=75e9c039b71640e29c1111032007dc51-Rivera, Dav]  
**Subject:** RE: FYI

Thanks Dave!!!! All going well. I'm trying to figure out a way to telework from here for the rest of my career.....ha

Sent with BlackBerry Work  
 (www.blackberry.com)

**From:** Rivera, David D <David.D.Rivera@ice.dhs.gov>  
**Date:** Thursday, Nov 15, 2018, 1:05 PM  
**To:** Asher, Nathalie R <Nathalie.R.Asher@ice.dhs.gov>  
**Subject:** RE: FYI

Congrats by the way! Hope mother and child are doing well!

**From:** Asher, Nathalie R  
**Sent:** Thursday, November 15, 2018 3:57 PM  
**To:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>; Rivera, David D <David.D.Rivera@ice.dhs.gov>; Jennings, David W <David.W.Jennings@ice.dhs.gov>; Johnson, Tae D <Tae.D.Johnson@ice.dhs.gov>  
**Subject:** RE: FYI

Soooo stupid.

The campus is 10 mins away from my daughter's house....all I can do to not go and take these punks on...

Sent with BlackBerry Work  
 (www.blackberry.com)

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Thursday, Nov 15, 2018, 9:20 AM  
**To:** Rivera, David D <David.D.Rivera@ice.dhs.gov>; Jennings, David W <David.W.Jennings@ice.dhs.gov>; Johnson, Tae D <Tae.D.Johnson@ice.dhs.gov>  
**Cc:** Roman, Tanya J <Tanya.J.Roman@ice.dhs.gov>  
**Subject:** FW: FYI

FYSA

UW is hosting a panel discussion event this evening entitled "What's ICE Hiding? Human Rights Violations at Tacoma's Northwest Detention Center". Not surprisingly, Eunice Cho of the local ACLU (attorney for Chavez Flores) and Maru Mora Villalpando of the NWDC Resistance are on the panel.

Same ol' same ol'

ICE - 0002908

EXHIBIT	
12	
DEPONENT NAME:	DATE:
Asher, Nathalie	09/28/23

Confidential Subject to Protective Order

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell:

LEP



CONFIDENTIALITY: This email and attachments are intended for the above name only and are confidential. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner. To do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer.

ICE - 0002909



## **EXHIBIT 6**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

Message

**From:** [REDACTED] [/O=IRMMAIL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=[REDACTED]]  
**Sent:** 6/20/2017 11:09:11 PM  
**To:** Wilcox, Bryan S [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=bswilcox]  
**Subject:** RE: possible "Hunger Strike"

Interesting article, let's just see if she can go 72 without eating....I don't think so!

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Tuesday, Jun 20, 2017, 7:00 PM  
**To:** [REDACTED]@ice.dhs.gov>  
**Subject:** RE: possible "Hunger Strike"

Yep.

Ultimately, it would only do her a favor

<http://www.thestranger.com/slog/2017/06/19/25225363/immigrant-advccates-will-take-up-hunger-strike-to-protest-treatment-inside-northwest-detention-center>

Just such a liar! And her clique of attorneys

Bryan S. Wilcox  
Acting Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



**From:** [REDACTED]  
**Sent:** Tuesday, June 20, 2017 3:59 PM  
**To:** Wilcox, Bryan S  
**Subject:** RE: possible "Hunger Strike"

I could just imagine. It sounds like she is trying to taunt ICE into trying, that way she can really get all eyes on her!

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Tuesday, Jun 20, 2017, 6:55 PM  
**To:** [REDACTED]@ice.dhs.gov>  
**Subject:** RE: possible "Hunger Strike"

I want to arrest Maru Mora so bad...

ICE - 0000326

EXHIBIT	
3	
DEPONENT NAME:	DATE:
Wilcox, Bryan	09/26/23

Confidential Subject to Protective Order

Bryan S. Wilcox  
Acting Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: [REDACTED]

LEP



---

**From:** [REDACTED]  
**Sent:** Tuesday, June 20, 2017 3:55 PM  
**To:** Wilcox, Bryan S  
**Subject:** RE: possible "Hunger Strike"

Goodness.. thank you for the heads up!

---

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Tuesday, Jun 20, 2017, 6:50 PM  
**To:** Capicchioni, Paul L <Paul.L.Capicchioni@ice.dhs.gov>, [REDACTED] <[REDACTED]@ice.dhs.gov>  
**Cc:** Asher, Nathalie R <Nathalie.R.Asher@ice.dhs.gov>  
**Subject:** possible "Hunger Strike"

FYSA,

We've been planning a tour for the past two weeks for NPR reporter Liz Jones (KUOW) and the Associated Press, the tour is tomorrow.

Liz Jones started asking us Sunday about a hunger strike in the NWDC among the females (which was not the case) and despite our response that there was no hunger strike, this article came out today:

**[WA] Opposing views on a hunger strike at Tacoma's immigration lockup**

KUOW [6/20/2017 7:09 AM, Liz Jones, WA] reports that immigrant advocates say more than 25 women joined a hunger strike this weekend at the Northwest Detention Center in Tacoma. This follows reports of similar protests at the immigration lockup in April. The detainees are reportedly demanding better food and medical care, as well as fewer delays in their court cases. Rose Riley, a spokeswoman with the Seattle office of U.S. Immigration and Customs Enforcement, said current reports of a hunger strike are untrue. "There is no indication of organized meal refusals at the Northwest Detention Center and no detainee has verbalized an intent to do so," Riley wrote in an email to KUOW. Riley said facility staff are monitoring the situation and take health issues seriously. In April, advocates also claimed up to 750 detainees joined a hunger strike to protest conditions at the Tacoma lockup, and facility staff retaliated against hunger strikers by moving them to a lockup in Oregon. ICE officials refute that and say only one detainee in Tacoma was considered on hunger strike in April after not eating anything for 72 hours. ICE also says staff met with detainees in April about changes to the menu and other concerns.

NOT coincidentally, starting this morning, we have 8 individuals miss meals for breakfast and lunch in the female pod D1. This few number would not rise to our attention on any given day because at every meal there are individuals who simply don't feel like eating, particularly breakfast. However, the same number of meals declined in two meal periods is not a coincidence.

Also not coincidentally, our favorite illegal alien Maru Mora Villalpando set up camp in front of the NWDC to go on her own hunger strike:

<http://www.nwdcresistance.org/>

ICE - 0000327

Confidential Subject to Protective Order

<http://www.nwdcresistance.org/wp-content/uploads/2015/09/press-release-6.19.17.pdf>

<http://www.thestranger.com/slog/2017/06/19/25225363/immigrant-advocates-will-take-up-hunger-strike-to-protest-treatment-inside-northwest-detention-center>

I suspect the timing of all of this is for the benefit of Liz Jone's tour tomorrow.

Bryan S. Wilcox  
Acting Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



ICE - 0000328

## **EXHIBIT 7**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

## Confidential Subject to Protective Order

## Message

**From:** Wilcox, Bryan S [/O=IRMMAIL/OU=MBX SERVERS - COW/CN=RECIPIENTS/CN=BSWILCOX]  
**Sent:** 7/7/2017 10:05:37 PM  
**To:** Riley, Rose M [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Richeson, Rose35f]; Penaloza, William [/O=IRMMAIL/OU=MBX Servers - SEA/cn=Recipients/cn=wpenaloz]  
**CC:** Godfrey, Elizabeth [/O=IRMMAIL/OU=MBX Servers - BUF/cn=Recipients/cn=ecgodfre]  
**Subject:** RE: Estrella TV Network on Purported Detainee Hunger Strikes

Actually,

This doesn't say there is a hunger strike in Tacoma, its says Tacoma advocates will visit Adelanto and hold a Rally there today

It'd be sweet if Maru Mora was arrested in Cali and put into proceedings!!

Bryan S. Wilcox  
 Acting Field Office Director  
 ICE Enforcement & Removal Operations, Seattle, WA  
 Main: 206-835-0070 / Desk: 206-835-0042

LEP



**From:** Riley, Rose M  
**Sent:** Friday, July 07, 2017 2:57 PM  
**To:** Penaloza, William  
**Cc:** Wilcox, Bryan S; Godfrey, Elizabeth  
**Subject:** FW: Estrella TV Network on Purported Detainee Hunger Strikes

Good afternoon William,

Are you aware of any ongoing meal refusals at the Northwest Detention Center (see below reports)? If not, I will re-iterate Virginia's negative response to the reporter.

Thank you,  
 Rose

Rose M. Riley  
 Office of Public Affairs - Seattle Field Office  
 U.S. Immigration and Customs Enforcement (ICE)  
 Office: (206) 442-  
 Mobile: LEP  
[Rose.M.Riley@ICE.DHS.gov](mailto:Rose.M.Riley@ICE.DHS.gov)  
[@ICEgovSeattle](mailto:@ICEgovSeattle)

**From:** Kice, Virginia C  
**Sent:** Friday, July 07, 2017 2:53 PM  
**To:** Maria Teresa Sarabia

ICE - 0000300

EXHIBIT 5	
DEPONENT NAME: Wilcox Bryan	DATE: 09/26/23

Confidential Subject to Protective Order

**Cc:** Haley, Lori K; Riley, Rose M

**Subject:** Estrella TV Network on Purported Detainee Hunger Strikes

Maria Teresa....per the claim about the "hunger strike" at Adelanto....see the response I previously provided several other news outlets earlier today.

Contrary to the claims, there are no mass meal refusals underway at Adelanto. By way of clarification, as we continue to explain to reporters, while detainees at the facility may decline prepared meals on occasion, all those housed in the general population still have access to the extensive selection of food and beverages offered through the commissary. **ONLY** after an individual is observed not to have eaten at all for 72 hours will he or she be considered on "hunger strike" and at that point become subject to the agency's protocols for handling hunger strikes – see link. For those individuals, ICE will institute the hunger strike protocols, which includes close medical supervision. All detainees who are engaged in a hunger strike will continue to be offered three meals daily and provided an adequate supply of drinking water or other beverages

I'm going to defer to my Seattle-based colleague Rose Riley to address the question about the purported hunger strike at the Northwest Detention Center in Tacoma. I believe that claim is also untrue.

Virginia Kice  
Western Regional Communications Director/Spokesperson  
U.S. Immigration and Customs Enforcement (ICE)  
Office: 949-360-3096  
Cell: LEP  
[www.ice.gov](http://www.ice.gov)

---

**From:** Maria Teresa Sarabia [<mailto:mtsarabia@lbimedia.com>]

**Sent:** Friday, July 07, 2017 2:46 PM

**To:** Kice, Virginia C

**Cc:** Maria Teresa Sarabia

**Subject:** Re : Question

Good afternoon Virginia:

Hope this e-mail finds you well. Just a brief message to ask you if you can send us a comment regarding another "hunger strike" in Adelanto and Tacoma detention centers.

Here is some info:

**Adelanto hunger strike solidarity continues to grow nationally**

***Tacoma migrant organization will visit Adelanto detainees and hold Solidarity Rally***

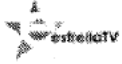
Victorville, CA- As hunger strikers continue their third hunger strike this year at the Adelanto Detention Facility, solidarity across the nation continues to grow for them. Activists from Tacoma, Washington and Southern California will hold a solidarity rally today, **Friday, July 7 @ 10 am W Rialto Ave, San Bernardino, CA 92410**. The hunger strike has expanded to almost 45 men engaged in this struggle to show the world the deterioration in conditions they face at Adelanto, including men from Haiti and other countries.

Thank you for your prompt attention on this matter.

ICE - 0000301

Confidential Subject to Protective Order

Maria Teresa Sarabia  
Assignment Desk Manager / National News  
[mtsarabia@lbimedia.com](mailto:mtsarabia@lbimedia.com)  
(818) 558-[REDACTED] work  
(818) 813-[REDACTED] cell (1)  
(310) 383-[REDACTED] cell (2)



ICE - 0000302



## **EXHIBIT 8**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

## Message

**From:** Asher, Nathalie R [/O=IRMMAIL/OU=MBX SERVERS - SEA/CN=RECIPIENTS/CN=NRASHER]  
**Sent:** 8/8/2017 9:38:00 PM  
**To:** Wilcox, Bryan S [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=bswilcox]  
**Subject:** RE: Maru Mora..

Go for it!

NRA

**From:** Wilcox, Bryan S  
**Sent:** Tuesday, August 8, 2017 5:07 PM  
**To:** Asher, Nathalie R  
**Subject:** Maru Mora..

We need to make her dreams come true:

"I don't really have a hope for the future. I mean, personally speaking, because as an undocumented person I always live day to day. I'm always thinking when is the last day I'm going to be with my daughter, when is going to be the day that ICE [Immigration and Customs Enforcement] is going to show up and detain me," Villalpando said.

<https://www.voanews.com/a/after-overstaying-visas-immigrants-face-uncertain-future/3868473.html>

Bryan S. Wilcox  
Acting Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



Exhibit 8  
Page 1 of 1

ICE - 0016208

EXHIBIT	
4	
DEPONENT NAME:	DATE:
Wileox, Bryan	09/26/23

## **EXHIBIT 9**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

## Confidential Subject to Protective Order

## Message

**From:** Wilcox, Bryan S [/O=IRMMAIL/OU=MBX SERVERS - COW/CN=RECIPIENTS/CN=BSWILCOX]  
**Sent:** 11/28/2017 9:22:21 PM  
**To:** Nitsch, Melissa A [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Nitsch, Melissa A60f]  
**Subject:** RE: List of community members

Yeah, with their Congressional buddies

Sent with BlackBerry Work  
 (www.blackberry.com)

**From:** Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Date:** Tuesday, Nov 28, 2017, 12:59 PM  
**To:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Subject:** RE: List of community members

I eagerly await NWDC Resistance's response (Did they really think they'd be allowed in? REALLY?)

**From:** Wilcox, Bryan S  
**Sent:** Tuesday, November 28, 2017 11:09 AM  
**To:** Nitsch, Melissa A  
**Subject:** RE: List of community members

( yep, gonna be an issue for sure)  
 (Good)

Sent with BlackBerry Work  
 (www.blackberry.com)

**From:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>  
**Date:** Tuesday, Nov 28, 2017, 10:53 AM  
**To:** Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>, Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Cc:** Bostock, Drew H <Drew.H.Bostock@ice.dhs.gov>, Penaloza, William <William.Penaloza@ice.dhs.gov>  
**Subject:** RE: List of community members

I am certain you are correct. Let me know what more you hear and we'll loop in OCR if we need to.

mjm

**From:** Nitsch, Melissa A  
**Sent:** Tuesday, November 28, 2017 10:39 AM  
**To:** Moore, Marc J; Wilcox, Bryan S  
**Cc:** Bostock, Drew H; Penaloza, William  
**Subject:** RE: List of community members

FYI - Just spoke to Paige and said that we would be happy to host them on Jan 3, but that we would not be able to host the advocacy group at the same time. She is going to relay that to her Chief of Staff and see if her office still wants to

ICE - 0000618

EXHIBIT	
12	
DEPONENT NAME:	DATE:
Wilcox, Bryan	09/26/23

Confidential Subject to Protective Order

move forward with the tour/meeting. She didn't ask for a reason, so I didn't provide one, but I doubt we've heard the last of it.

Melissa

---

**From:** Moore, Marc J  
**Sent:** Tuesday, November 28, 2017 10:18 AM  
**To:** Nitsch, Melissa A; Wilcox, Bryan S  
**Cc:** Bostock, Drew H; Penaloza, William  
**Subject:** RE: List of community members

Should be good for me.

mjnj

---

**From:** Nitsch, Melissa A  
**Sent:** Tuesday, November 28, 2017 10:16 AM  
**To:** Moore, Marc J; Wilcox, Bryan S  
**Cc:** Bostock, Drew H; Penaloza, William  
**Subject:** RE: List of community members

Will do.

Does Wednesday, January 3 work for you for the Congressional tour? That was the date preferred by the staffers, but Paige also said anytime that first week of January is fine as well.

Melissa

---

**From:** Moore, Marc J  
**Sent:** Tuesday, November 28, 2017 9:53 AM  
**To:** Nitsch, Melissa A; Wilcox, Bryan S  
**Subject:** RE: List of community members

Bryan, Melissa,

Let's go ahead and let them know. If you get significant push back let me know. I have warned OCR they are going to need to intervene if that happens.

mjm

---

**From:** Moore, Marc J  
**Sent:** Monday, November 20, 2017 3:31 PM  
**To:** Nitsch, Melissa A; Wilcox, Bryan S  
**Subject:** RE: List of community members

Let's get past the holiday and regroup next week to decide. Will save us a barrage of holiday email and calls.

ICE - 0000619

Confidential Subject to Protective Order

Sent with BlackBerry Work  
(www.blackberry.com)

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**From:** Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Date:** Monday, Nov 20, 2017, 3:27 PM  
**To:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>, Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Subject:** RE: List of community members

Thanks! I'll let Paige know that's what works for us. Should I push back on the community advocates at this point, or are we letting OCR handle? (I think it would be better coming from them, but will do as directed.)

Melissa

---

**From:** Moore, Marc J  
**Sent:** Monday, November 20, 2017 3:19 PM  
**To:** Nitsch, Melissa A; Wilcox, Bryan S  
**Subject:** RE: List of community members

That would be AWESOME!! You rock!

Sent with BlackBerry Work  
(www.blackberry.com)

---

**From:** Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Date:** Monday, Nov 20, 2017, 2:48 PM  
**To:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>, Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Subject:** RE: List of community members

The staffer I've spoken with (Paige Suelzle) was fine with early January, if you'd prefer to push it even later. She understands that December is a difficult time to plan anything.

Melissa

---

**From:** Moore, Marc J  
**Sent:** Monday, November 20, 2017 2:29 PM  
**To:** Wilcox, Bryan S; Nitsch, Melissa A  
**Subject:** RE: List of community members

If one week I can accompany you. If two (the week of Dec 11<sup>th</sup>) I'll be in New Orleans and unable to be there too.

mjm

---

**From:** Wilcox, Bryan S  
**Sent:** Monday, November 20, 2017 2:27 PM  
**To:** Moore, Marc J; Nitsch, Melissa A  
**Subject:** RE: List of community members

We'll do it

ICE - 0000620

Confidential Subject to Protective Order

Sent with BlackBerry Work  
(www.blackberry.com)

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**From:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>  
**Date:** Monday, Nov 20, 2017, 2:24 PM  
**To:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>; Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Subject:** RE: List of community members

As you can both see I now have everyone's undivided attention. Can we work out a way to push this back one or preferably two weeks?

mjm

---

**From:** Hackbarth, Sean M  
**Sent:** Monday, November 20, 2017 1:41 PM  
**To:** Moore, Marc J; Wilcox, Bryan S; Bennett, Jack W; Jennings, David W; [REDACTED] Johnson, Tae D  
**Cc:** Nitsch, Melissa A; Kovacic, Raymond; Fauquet, Brandon  
**Subject:** RE: List of community members

All --

We're happy to pull this back up to the OCR level for coordination. I concur with pushing this tour back to so we can discuss. I'd definitely recommend separate tours for Members of Congress and Advocates. Does ERO have a policy regarding visits to detention centers and can we get a copy?

Thanks,  
Sean

---

**From:** Moore, Marc J  
**Sent:** Monday, November 20, 2017 4:29 PM  
**To:** Wilcox, Bryan S; Bennett, Jack W; Jennings, David W; [REDACTED] Johnson, Tae D; Hackbarth, Sean M  
**Cc:** Nitsch, Melissa A  
**Subject:** RE: List of community members

I am inclined to push it back at least one more week to give is time to discuss.

Sent with BlackBerry Work  
(www.blackberry.com)

---

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Monday, Nov 20, 2017, 1:26 PM  
**To:** Bennett, Jack W <Jack.W.Bennett@ice.dhs.gov>; Moore, Marc J <Marc.J.Moore@ice.dhs.gov>; Jennings, David W <David.W.Jennings@ice.dhs.gov>; [REDACTED] @ice.dhs.gov>; Johnson, Tae D <Tae.D.Johnson@ice.dhs.gov>; Hackbarth, Sean M <Sean.M.Hackbarth@ice.dhs.gov>  
**Cc:** Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Subject:** RE: List of community members

ICE - 0000621

Confidential Subject to Protective Order

It has not been scheduled yet, but they're trying for next week. The Congressional reps plan on travelling from DC to Seattle.

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: [REDACTED]

LEP



**From:** Bennett, Jack W  
**Sent:** Monday, November 20, 2017 1:25 PM  
**To:** Moore, Marc J; Jennings, David W; [REDACTED] Johnson, Tae D; Hackbarth, Sean M  
**Cc:** Wilcox, Bryan S; Nitsch, Melissa A  
**Subject:** RE: List of community members

Marc-when is the tour scheduled?

Jack Bennett  
(a) Deputy Assistant Director, Field Operations  
Enforcement and Removal Operations  
[REDACTED] (c)  
202-732-6479(o)

Sent with iPhone

**From:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>  
**Date:** Monday, Nov 20, 2017, 4:13 PM  
**To:** Jennings, David W <David.W.Jennings@ice.dhs.gov>, [REDACTED] <[REDACTED]@ice.dhs.gov>, Johnson, Tae D <Tae.D.Johnson@ice.dhs.gov>, Bennett, Jack W <Jack.W.Bennett@ice.dhs.gov>, Hackbarth, Sean M <Sean.M.Hackbarth@ice.dhs.gov>  
**Cc:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>, Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Subject:** FW: List of community members

So I guess I need some external perspective or assistance here. Now this is supposed to be a tour for Congressman Adam Smith and Pramila Jayapal and their staff. As you will read below. This does not seem like the way we have set up Congressional tours in the past. It seems from my view that if these groups want to meet with the congress persons they certainly can. Either before or after but certainly not as a part of a congressional tour. We certainly should not be permitting a undocumented foreign national to be a part of this tour. Frankly I don't believe we should be setting up this tour locally to begin with. A dynamic like this surrounding Congresswoman Jayapal and Congressman Smith really suggests that this is something HW OCR would benefit from managing and supporting. I feel like this event has now become more complicated than I am comfortable with coordinating and staffing locally. This will clearly create dialog all the way to HQ subsequent to the tour and I believe it would be helpful to have HQ OCR leading the coordination, determining the appropriateness of things such as what I will describe below and staffing for this one.

Pramila Jayapal is a just elected freshman Congressperson from Seattle, who has previously been a nationally-known immigrant-rights leader. She is the founder of "Hate-Free Zone" and "OneAmerica".

<https://obamawhitehouse.archives.gov/blog/2013/05/13/coming-together-build-one-america>

ICE - 0000622



Confidential Subject to Protective Order

<https://www.weareoneamerica.org/blog/may-13/coming-together-build-one-america-pramila-jayapal-honored-white-house-champion-change>

Ms. Jayapal has co-sponsored (along with Congressman Adam Smith) a bill in the house that would place heavy external oversight on ICE detention, eliminate mandatory detention, institute a new custody-review scheme, and phase-out CDFs altogether by banning ICE from renewing contracts.

Now they are seeking to have the following community members accompany them which does not seem at all appropriate.

Maru Mora Villalpando  
Angelica Chazaro  
Megan Ybarra  
Naomi Strand  
Wendy Pantoja Castillo

This is particularly true when one takes into account the following.

Maru-Mora Villalpando

She heads the local advocacy group that is behind this request is, a well-known local illegal alien who heads a group she created "Latino Advocacy":

<http://www.lotinoadvocacy.org/i-index.html>  
<http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/>  
<https://southseattleemerald.com/2015/12/02/more-than-undocumented-modern-day-freedom-fighter-maru-mora-villapando/>  
[https://www.democracynow.org/2017/4/14/immigrants\\_on\\_hunger\\_strike\\_over\\_conditions](https://www.democracynow.org/2017/4/14/immigrants_on_hunger_strike_over_conditions)

Maru Mora is the specific individual who was behind the 2014 hunger strikes and every other one since then... She continually tries to foster hunger strikes and protests both inside and outside the facility. She is a self-proclaimed illegal alien and we have confirmed this (she's a B-2 overstay). In fact, we have been planning on placing her into proceedings, either by mailing an NTA or calling her in on A G56 and serving her personally. Either way, it will of course, make the news, but we cannot continue to ignore her status under the new enforcement policies. Placing her into proceedings might actually take away some of her "clout", claiming unity by fear of the unknown. She also has authored the handbook attached

She has no family members in the facility and she's not an attorney. As she self-proclaims to be an illegal alien, we should plainly say to the Congresspersons that she will not be allowed into the facility.

Angelica Chazaro

Co-Author of the attached handbook. See page three.

Megan Ybarra

Co-Author of the attached handbook. See page three.

Naomi Strand

Co-Author of the attached handbook. See page three.

ICE - 0000623

Confidential Subject to Protective Order

Wendy Pantoja Castillo

Co-Author of the attached handbook. See page three.

I have included both DFOD Wilcox and CRO Nitsch on this message since I will be on leave and in and out of contact on flights tomorrow for any discussions that might take place. DFOD Wilcox will be acting for me and I can catch up with him or DAD Bennett in between flights tomorrow or on Wednesday. I have asked them not delay any approval the tour participants until we can all talk.

mjm

---

**From:** Wilcox, Bryan S  
**Sent:** Monday, November 20, 2017 12:39 PM  
**To:** Moore, Marc J  
**Subject:** FW: List of community members

Wow...

Only get more ridiculous.

These people, collectively, are the instigators of all the turmoil surrounding the NWDC for the past several years.

<http://www.nwdcresistance.org/>  
<https://www.facebook.com/NWDCResistance/>

A couple are attorneys, but one is a UW law professor and I doubt any of them have an actual client in the NWDC. But even if the attorneys have G-28s on file and are representing the detainees (which I doubt), this visit is not related to their immigration cases and letting any of them in is letting the fox in the hen-house.

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



---

**From:** Nitsch, Melissa A  
**Sent:** Monday, November 20, 2017 11:16 AM  
**To:** Wilcox, Bryan S; Penaloza, William; Bostock, Drew H  
**Subject:** FW: List of community members

ICE - 0000624

Confidential Subject to Protective Order

FYI--

In addition to Maru Mora, this group is responsible for writing the Hunger Strikers Handbook. This just seems like a bad idea.

<http://www.nwdcresistance.org/wp-content/uploads/2015/09/HungerStrikersHandbook-ENG.pdf>

From Page 3 -- "Written by the NWDC Resistance, including J. Cipriano Rios Alegria, Angelica Cházaro, Tomás Madrigal, Murphy Mitchel, Josefina Mora, Maru Mora Villalpando, Wendy Pantoja, Naomi Strand and Megan Ybarra"

**From:** Suelzle, Paige [<mailto:Paige.Suelzle@mail.house.gov>]

**Sent:** Monday, November 20, 2017 11:11 AM

**To:** Nitsch, Melissa A

**Subject:** List of community members

Hi Melissa,

I double-checked and this is the list of community members that would like to be a part of the visiting group. Apologies for not having these names ready earlier. Wanted to send them your way before we talked next -- let me know how big our group is allowed to be. Thanks.

Maru Mora Villalpando  
Angelica Chazaro  
Megan Ybarra  
Naomi Strand  
Wendy Pantoja Castillo

Paige Suelzle  
Legislative Correspondent  
Congressman Adam Smith (WA-09)  
2264 Rayburn House Office Building | Washington, DC 20515  
Office: 202.225. [REDACTED] | Mobile: 202.313 [REDACTED]  
[Twitter](#) | [Facebook](#) | [Website](#)

ICE - 0000625

## **EXHIBIT 10**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

## Message

**From:** Wilcox, Bryan S [/O=IRMMAIL/OU=MBX SERVERS - COW/CN=RECIPIENTS/CN=BSWILCOX]  
**Sent:** 11/20/2017 6:53:57 PM  
**To:** Moore, Marc J [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=MJM Moore]  
**Subject:** RE: NWDC Visit Question

Marc,

Melissa has connected with Ms. Suelzle to set up a tour with detainee visitation for Reps. Jayapal and Smith and their "local advocacy group".

Incredibly, the local advocacy group that is behind this request is Maru-Mora Villalpando, a well-known local illegal alien who heads a group she created "Latino Advocacy":

<http://www.latinoadvocacy.org/i-index.html>

<http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/>

<https://southseattleemerald.com/2015/12/02/more-than-undocumented-modern-day-freedom-fighter-maru-mora-villapando/>

[https://www.democracynow.org/2017/4/14/immigrants on hunger strike over conditions](https://www.democracynow.org/2017/4/14/immigrants_on_hunger_strike_over_conditions)

Maru Mora is the specific individual who was behind the 2014 hunger strikes and every other one since then... She continually tries to foster hunger strikes and protests both inside and outside the facility.

# Deliberative process

Anyway, I don't think we should let her into the facility at all. She has no family members in the facility and she's not an attorney. As she self-proclaims to be an illegal alien, we should plainly say to the Congresspersons that she will not be allowed into the facility.

Bryan S. Wilcox  
 Deputy Field Office Director  
 ICE Enforcement & Removal Operations, Seattle, WA  
 Main: 206-835-0070 / Desk: 206-835-0042 / Cell:

LEP

ICE - 0016218

EXHIBIT	
11	
DEPONENT NAME	DATE
Wilcox, Bryan	09/26/23

Confidential Subject to Protective Order



**From:** Wilcox, Bryan S  
**Sent:** Thursday, November 09, 2017 5:02 PM  
**To:** Asher, Nathalie R; Jennings, David W  
**Subject:** FW: NWDC Visit Question

FYSA

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell:

LEP



**From:** Wilcox, Bryan S  
**Sent:** Thursday, November 09, 2017 5:02 PM  
**To:** 'Paige.Suelzle@mail.house.gov'  
**Cc:** Bostock, Drew H; Nitsch, Melissa A; Moore, Marc J  
**Subject:** RE: NWDC Visit Question

Ms. Suelzle,

I spoke earlier this day with Chief of Staff Shana Chandler concerning this unique request, and as I explained to Ms. Chandler, in consideration of ICE's current Performance Based National Detention Standards (PBNDs), I believe this request fits the provisions of the standards most appropriately as a tour request "with visitation".

To this end, I have attached the applicable standards; 7.2 "Interviews and Tours"; 5.7 "Visitation"; and 6.4 "Legal Rights Group Presentations", for your reference. Here is a link to the full Detention standards: <https://www.ice.gov/detention-standards/2011#wcm-survey-target-id>

Ms. Nitsch will be reaching out to you Monday to help facilitate the tour,

Best Regards,

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell:

LEP

ICE - 0016219

Confidential Subject to Protective Order



**From:** Suelzle, Paige [<mailto:Paige.Suelzle@mail.house.gov>]  
**Sent:** Monday, October 30, 2017 10:13 AM  
**To:** Nitsch, Melissa A  
**Cc:** Bostock, Drew H  
**Subject:** RE: NWDC Visit Question

Hi Melissa,

Thanks again for your response. I wanted to check back in on this, as we are coming up on the dates of the original request and I was planning on booking a flight soon. I need to update my boss on the status of this when he flies back to D.C. tomorrow. Let me know if it would be helpful for my boss to call management about this request.

The list of detained people that the advocates have requested we meet with is looking to be a bit longer than anticipated, so getting a date nailed down will be helpful for planning purposes. I will send the list of names and information over to you when it has been finalized.

I greatly appreciate your help with this and I look forward to hearing from you.

Best,  
Paige

**From:** Suelzle, Paige  
**Sent:** Wednesday, October 25, 2017 12:52 PM  
**To:** 'Nitsch, Melissa A' <[Melissa.A.Nitsch@ice.dhs.gov](mailto:Melissa.A.Nitsch@ice.dhs.gov)>  
**Subject:** RE: NWDC Visit Question

Melissa,

Thanks so much for your response. Looking forward to hearing from you.

Best,  
Paige

**From:** Nitsch, Melissa A [<mailto:Melissa.A.Nitsch@ice.dhs.gov>]  
**Sent:** Wednesday, October 25, 2017 12:50 PM  
**To:** Suelzle, Paige <[Paige.Suelzle@mail.house.gov](mailto:Paige.Suelzle@mail.house.gov)>  
**Subject:** RE: NWDC Visit Question

Good morning Paige,

I'm responding to acknowledge receipt of this email, as well as the similar email sent to my colleague, Drew Bostock, last week. We've submitted your request to management for consideration, and will be back in touch when we have a response.

Best regards,  
Melissa

**Melissa Nitsch, Community Relations Officer**  
Stakeholder Engagement

ICE - 0016220

Confidential Subject to Protective Order

U.S. Immigration and Customs Enforcement (ICE)

206.835.0094

Melissa.A.Nitsch@ice.dhs.gov

Serving WA, OR, AK



**From:** Suelzle, Paige [<mailto:Paige.Suelzle@mail.house.gov>]

**Sent:** Wednesday, October 25, 2017 9:13 AM

**To:** Nitsch, Melissa A

**Subject:** NWDC Visit Question

Hello Melissa,

I hope you are well! I work for Rep. Adam Smith in D.C., and I received your contact information from my colleague, Savio Pham.

I am reaching out because we would like to set up a meeting at the Northwest Detention Center in November and I am hoping you can point me in the right direction. Rep. Adam Smith and Rep. Pramila Jayapal recently introduced a bill regarding immigration detention. A local advocacy group has requested a meeting with staff from both of the Rep. offices, detained people, and a member of the advocacy group to discuss the bill. The advocacy group is sending us a list of the detained people that they would like for us to meet with, which I will send to you shortly. I would be attending the meeting, along with one of my colleagues in Rep. Smith's office, a leader of the advocacy group, and one or two staff members from Rep. Jayapal's office. The dates we are looking at are November 2, November 3, or November 6, if possible. What is the process for setting up a meeting of this nature? I appreciate your help and look forward to talking with you.

Best,

Paige Suelzle

Legislative Correspondent

Congressman Adam Smith (WA-09)

2264 Rayburn House Office Building | Washington, DC 20515

Office: 202.225. [REDACTED] | Mobile: 202.313. [REDACTED]

[Twitter](#) | [Facebook](#) | [Website](#)

ICE - 0016221



## **EXHIBIT 11**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

## Confidential Subject to Protective Order

## Message

**From:** Bennett, Jack W [/O=IRMMAIL/OU=MBX SERVERS - NBC/CN=RECIPIENTS/CN=JWBENNET]  
**Sent:** 11/20/2017 10:03:59 PM  
**To:** Asher, Nathalie R [/O=IRMMAIL/OU=MBX Servers - SEA/cn=Recipients/cn=nrasher]  
**CC:** [REDACTED] /O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=[REDACTED]  
**Subject:** RE: List of community members  
**Attachments:** RE: List of community members

10-4 and FYI

Jack Bennett  
 (a) Deputy Assistant Director  
 Enforcement and Removal Operations  
 LES  
 202-732-6479(o)

**From:** Asher, Nathalie R  
**Sent:** Monday, November 20, 2017 4:58 PM  
**To:** Bennett, Jack W  
**Cc:** Miller, Philip T; [REDACTED]  
**Subject:** RE: List of community members

As we discussed and Phil concurs, this ask is not reasonable; mixing congressionals and advocates under the auspices of a Congressional tour is exactly what we do not want to promote. Open that door even just a smidge and you're done. It will become the expected norm.

In good faith, Marc should call their bluff and honor the NWDC tour request strictly for Congressman Smith and Congresswoman Jayapal; the list of "community members" are welcome to visit with the detainees through the established visitation protocols.

Jack -- please follow up with SEA regarding the NTA on Maura Mora....I thought they were sending her one this summer.

NRA

**From:** Bennett, Jack W  
**Sent:** Monday, November 20, 2017 4:24 PM  
**To:** Asher, Nathalie R <Nathalie.R.Asher@ice.dhs.gov>; Miller, Philip T <Philip.T.Miller@ice.dhs.gov>; [REDACTED] <[REDACTED]@ice.dhs.gov>  
**Subject:** FW: List of community members

Planning session

Jack Bennett  
 (a) Deputy Assistant Director, Field Operations  
 Enforcement and Removal Operations  
 LES (c)  
 202-732-6479(o)

EXHIBIT	7	DATE:	09/28/23
	DEPONENT NAME: Asher, Nathalie		

ICE - 0004570

## Confidential Subject to Protective Order

Sent with iPhone

**From:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>  
**Date:** Monday, Nov 20, 2017, 4:13 PM  
**To:** Jennings, David W <David.W.Jennings@ice.dhs.gov>, [REDACTED] <[REDACTED]@ice.dhs.gov>, Johnson, Tac D <Tac.D.Johnson@ice.dhs.gov>, Bennett, Jack W <Jack.W.Bennett@ice.dhs.gov>, Hackbarth, Sean M <Sean.M.Hackbarth@ice.dhs.gov>  
**Cc:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>, Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Subject:** FW: List of community members

So I guess I need some external perspective or assistance here. Now this is supposed to be a tour for Congressman Adam Smith and Pramila Jayapal and their staff. As you will read below. This does not seem like the way we have set up Congressional tours in the past. It seems from my view that if these groups want to meet with the congress persons they certainly can. Either before or after but certainly not as a part of a congressional tour. We certainly should not be permitting a undocumented foreign national to be a part of this tour. Frankly I don't believe we should be setting up this tour locally to begin with. A dynamic like this surrounding Congresswoman Jayapal and Congressman Smith really suggests that this is something HW OCR would benefit from managing and supporting. I feel like this event has now become more complicated than I am comfortable with coordinating and staffing locally. This will clearly create dialog all the way to HQ subsequent to the tour and I believe it would be helpful to have HQ OCR leading the coordination, determining the appropriateness of things such as what I will describe below and staffing for this one.

Pramila Jayapal is a just-elected freshman Congressperson from Seattle, who has previously been a nationally-known immigrant-rights leader. She is the founder of "Hate-Free Zone" and "OneAmerica".

<https://obamawhitehouse.archives.gov/blog/2013/05/13/coming-together-build-one-america>

<https://www.wereoneamerica.org/blog/may-13/coming-together-build-one-america-pramila-jayapal-honored-white-house-champion-change>

Ms. Jayapal has co-sponsored (along with Congressman Adam Smith) a bill in the house that would place heavy external oversight on ICE detention, eliminate mandatory detention, institute a new custody-review scheme, and phase-out CDFs altogether by banning ICE from renewing contracts.

Now they are seeking to have the following community members accompany them which does not seem at all appropriate.

Maru Mora Villalpando  
 Angelica Chazaro  
 Megan Ybarra  
 Naomi Strand  
 Wendy Pantoja Castillo

This is particularly true when one takes into account the following.

Maru-Mora Villalpando

She heads the local advocacy group that is behind this request is, a well-known local illegal alien who heads a group she created "Latino Advocacy":

<http://www.latinoadvocacy.org/i-index.html>

<http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/>

<https://southseattleemerald.com/2015/12/02/more-than-undocumented-modern-day-freedom-fighter-maru-mora-villalpando/>

ICE - 0004571

Confidential Subject to Protective Order

[https://www.democracynow.org/2017/4/14/immigrants\\_on\\_hunger\\_strike\\_over\\_conditions](https://www.democracynow.org/2017/4/14/immigrants_on_hunger_strike_over_conditions)

Maru Mora is the specific individual who was behind the 2014 hunger strikes and every other one since then... She continually tries to foster hunger strikes and protests both inside and outside the facility. She is a self-proclaimed illegal alien and we have confirmed this (she's a B-2 overstay). In fact, we have been planning on placing her into proceedings, either by mailing an NTA or calling her in on A G56 and serving her personally. Either way, it will of course, make the news, but we cannot continue to ignore her status under the new enforcement policies. Placing her into proceedings might actually take away some of her "clout", claiming unity by fear of the unknown. She also has authored the handbook attached

She has no family members in the facility and she's not an attorney. As she self-proclaims to be an illegal alien, we should plainly say to the Congresspersons that she will not be allowed into the facility.

Angelica Chazaro

Co-Author of the attached handbook. See page three.

Megan Ybarra

Co-Author of the attached handbook. See page three.

Naomi Strand

Co-Author of the attached handbook. See page three.

Wendy Pantoja Castillo

Co-Author of the attached handbook. See page three.

I have included both DFOD Wilcox and CRO Nitsch on this message since I will be on leave and in and out of contact on flights tomorrow for any discussions that might take place. DFOD Wilcox will be acting for me and I can catch up with him or DAD Bennett in between flights tomorrow or on Wednesday. I have asked them not delay any approval the tour participants until we can all talk.

mjm

---

**From:** Wilcox, Bryan S  
**Sent:** Monday, November 20, 2017 12:39 PM  
**To:** Moore, Marc J  
**Subject:** FW: List of community members

Wow...

Only get more ridiculous.

These people, collectively, are the instigators of all the turmoil surrounding the NWDC for the past several years.

ICE - 0004572

Confidential Subject to Protective Order

<http://www.nwdcresistance.org/>  
<https://www.facebook.com/NWDCResistance/>

A couple are attorneys, but one is a UW law professor and I doubt any of them have an actual client in the NWDC. But even if the attorneys have G-28s on file and are representing the detainees (which I doubt), this visit is not related to their immigration cases and letting any of them in is letting the fox in the hen-house.

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell:

LES



---

**From:** Nitsch, Melissa A  
**Sent:** Monday, November 20, 2017 11:16 AM  
**To:** Wilcox, Bryan S; Penalzoa, William; Bostock, Drew H  
**Subject:** FW: List of community members

FYI--

In addition to Maru Mora, this group is responsible for writing the Hunger Strikers Handbook. This just seems like a bad idea.

<http://www.nwdcresistance.org/wp-content/uploads/2015/09/HungerStrikersHandbook-ENG.pdf>

From Page 3 -- "Written by the NWDC Resistance, including J. Cipriano Rios Alegria, Angelica Cházaro, Tomás Madrigal, Murphy Mitchel, Josefina Mora, Maru Mora Villalpando, Wendy Pantoja, Naomi Strand and Megan Ybarra"

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**From:** Suelzle, Paige [<mailto:Paige.Suelzle@mail.house.gov>]  
**Sent:** Monday, November 20, 2017 11:11 AM  
**To:** Nitsch, Melissa A  
**Subject:** List of community members

Hi Melissa,

I double-checked and this is the list of community members that would like to be a part of the visiting group. Apologies for not having these names ready earlier. Wanted to send them your way before we talked next – let me know how big our group is allowed to be. Thanks.

Maru Mora Villalpando  
Angelica Chazaro  
Megan Ybarra  
Naomi Strand  
Wendy Pantoja Castillo

Paige Suelzle

ICE - 0004573

¶1

Confidential Subject to Protective Order

Legislative Correspondent  
Congressman Adam Smith (WA-09)  
2264 Rayburn House Office Building | Washington, DC 20515  
Office: 202.225. [REDACTED] | Mobile: 202.313. [REDACTED]  
[Twitter](#) | [Facebook](#) | [Website](#)

ICE - 0004574

## **EXHIBIT 12**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

Message

**From:** Moore, Marc J [/O=IRMMAIL/OU=MBX SERVERS - DAL/CN=RECIPIENTS/CN=MJMOORE]  
**Sent:** 11/21/2017 9:16:06 PM  
**To:** Bennett, Jack W [/O=IRMMAIL/OU=MBX Servers - NBC/cn=Recipients/cn=jwbennet]  
**Subject:** RE: List of community members

DP

Sent with BlackBerry Work  
(www.blackberry.com)

**From:** Bennett, Jack W <Jack.W.Bennett@ice.dhs.gov>  
**Date:** Tuesday, Nov 21, 2017, 4:10 PM  
**To:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>  
**Subject:** RE: List of community members

DP

Jack Bennett  
(a) Deputy Assistant Director  
Enforcement and Removal Operations  
LEP (c)  
202-732-6479(o)

**From:** Moore, Marc J  
**Sent:** Tuesday, November 21, 2017 3:58 PM  
**To:** Bennett, Jack W  
**Subject:** FW: List of community members

Yout thoughts?

Sent with BlackBerry Work  
(www.blackberry.com)

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Tuesday, Nov 21, 2017, 12:13 PM  
**To:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>  
**Subject:** RE: List of community members

DP

ICE - 0004611

EXHIBIT	
13	
DEPONENT NAME:	DATE:
Wilcox, Bryan	09 / 26 / 23



Confidential Subject to Protective Order

DP

She's a self-proclaimed B-2 overstay and we've confirmed this through TECS. She was once married, her ex-husband is now a USC. She has an adult daughter who is also an activist (and LGBTQ)

She may get Withholding eventually and perhaps Cancellation, but I can't see how she can claim extreme hardship... No USC Spouse and her only child is an adult.

If you want us to mail an NTA, it can be done today.

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



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**From:** Bennett, Jack W  
**Sent:** Tuesday, November 21, 2017 7:45 AM  
**To:** Moore, Marc J; Wilcox, Bryan S  
**Cc:** Jennings, David W  
**Subject:** FW: List of community members

Marc/Bryan- Separate from all of the other stuff going on with the Adam Smith and Pramila Jayapal; Ms. Maru-Mora Villalpando needs to have an NTA served on her. I think you should opt for mailing her the NTA. She has everything she needs for cancellation, except extreme hardship, but I bet she can think of something to fit the requirement. Please let me know what you decide.

Jack Bennett  
Deputy Assistant Director, Field Operations  
Enforcement and Removal Operations  
LEP (c)  
202-732-6479(o)

---

**From:** Moore, Marc J  
**Sent:** Monday, November 20, 2017 5:26 PM  
**To:** Bennett, Jack W; Hackbarth, Sean M; Wilcox, Bryan S; Jennings, David W; [REDACTED] Johnson, Tae D  
**Cc:** Nitsch, Melissa A; [REDACTED] Fauquet, Brandon  
**Subject:** RE: List of community members

ICE - 0004612

Confidential Subject to Protective Order

Thanks Jack. I asked Jack and Melissa to see if we can push the date back one to two weeks so we have some additional time to coordinate the event.

mjm

---

**From:** Bennett, Jack W  
**Sent:** Monday, November 20, 2017 2:03 PM  
**To:** Moore, Marc J; Hackbarth, Sean M; Wilcox, Bryan S; Jennings, David W; [REDACTED] Johnson, Tae D  
**Cc:** Nitsch, Melissa A; [REDACTED] Fauquet, Brandon  
**Subject:** RE: List of community members

Marc- Phil agrees, that you should move forward with the tour without the advocates. If possible; the preference is to honor the NWDC tour request strictly for Congressman Smith and Congresswoman Jayapal; the list of "community members" are welcome to visit with the detainees through the established visitation protocols.

Jack Bennett  
(a) Deputy Assistant Director  
Enforcement and Removal Operations  
LEP (c)  
202-732-6479(a)

---

**From:** Moore, Marc J  
**Sent:** Monday, November 20, 2017 5:00 PM  
**To:** Bennett, Jack W; Hackbarth, Sean M; Wilcox, Bryan S; Jennings, David W; [REDACTED] Johnson, Tae D  
**Cc:** Nitsch, Melissa A; [REDACTED] Fauquet, Brandon  
**Subject:** RE: List of community members

I completely agree. Standing by.

mjm

---

**From:** Bennett, Jack W  
**Sent:** Monday, November 20, 2017 1:50 PM  
**To:** Hackbarth, Sean M; Moore, Marc J; Wilcox, Bryan S; Jennings, David W; [REDACTED] Johnson, Tae D  
**Cc:** Nitsch, Melissa A; [REDACTED] Fauquet, Brandon  
**Subject:** RE: List of community members

Marc- I spoke with Nathalie about this tour and she told me about the last visit Adam Smith put together, with his advocate interpreter, the hunger strikers that the "advocate" helped orchestrate, and the press conference scheduled at the conclusion of the tour. We thought the you should push back on the advocates attending the tour; for example, "We are happy to give you a congressional tour, but not a congressional/advocate tour..." Nathalie is going to run it by Phil to see what he recommends.

Jack Bennett  
(a) Deputy Assistant Director  
Enforcement and Removal Operations  
LEP (c)  
202-732-6479(a)

ICE - 0004613

Confidential Subject to Protective Order

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**From:** Hackbarth, Sean M  
**Sent:** Monday, November 20, 2017 4:41 PM  
**To:** Moore, Marc J; Wilcox, Bryan S; Bennett, Jack W; Jennings, David W; [REDACTED]; Johnson, Tae D  
**Cc:** Nitsch, Melissa A; [REDACTED]; Fauquet, Brandon  
**Subject:** RE: List of community members

All –

We're happy to pull this back up to the OCR level for coordination. I concur with pushing this tour back to so we can discuss. I'd definitely recommend separate tours for Members of Congress and Advocates. Does ERO have a policy regarding visits to detention centers and can we get a copy?

Thanks,  
Sean

---

**From:** Moore, Marc J  
**Sent:** Monday, November 20, 2017 4:29 PM  
**To:** Wilcox, Bryan S; Bennett, Jack W; Jennings, David W; [REDACTED]; Johnson, Tae D; Hackbarth, Sean M  
**Cc:** Nitsch, Melissa A  
**Subject:** RE: List of community members

I am inclined to push it back at least one more week to give is time to discuss.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

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**From:** Wilcox, Bryan S <[Bryan.S.Wilcox@ice.dhs.gov](mailto:Bryan.S.Wilcox@ice.dhs.gov)>  
**Date:** Monday, Nov 20, 2017, 1:26 PM  
**To:** Bennett, Jack W <[Jack.W.Bennett@ice.dhs.gov](mailto:Jack.W.Bennett@ice.dhs.gov)>, Moore, Marc J <[Marc.J.Moore@ice.dhs.gov](mailto:Marc.J.Moore@ice.dhs.gov)>, Jennings, David W <[David.W.Jennings@ice.dhs.gov](mailto:David.W.Jennings@ice.dhs.gov)>, [REDACTED] <[\[REDACTED\]@ice.dhs.gov](mailto:[REDACTED]@ice.dhs.gov)>, Johnson, Tae D <[Tae.D.Johnson@ice.dhs.gov](mailto:Tae.D.Johnson@ice.dhs.gov)>, Hackbarth, Sean M <[Sean.M.Hackbarth@ice.dhs.gov](mailto:Sean.M.Hackbarth@ice.dhs.gov)>  
**Cc:** Nitsch, Melissa A <[Melissa.A.Nitsch@ice.dhs.gov](mailto:Melissa.A.Nitsch@ice.dhs.gov)>  
**Subject:** RE: List of community members

It has not been scheduled yet, but they're trying for next week. The Congressional reps plan on travelling from DC to Seattle.

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



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**From:** Bennett, Jack W  
**Sent:** Monday, November 20, 2017 1:25 PM  
**To:** Moore, Marc J; Jennings, David W; [REDACTED]; Johnson, Tae D; Hackbarth, Sean M  
**Cc:** Wilcox, Bryan S; Nitsch, Melissa A  
**Subject:** RE: List of community members

ICE - 0004614

Confidential Subject to Protective Order

Marc-when is the tour scheduled?

Jack Bennett  
(a) Deputy Assistant Director, Field Operations  
Enforcement and Removal Operations  
LEP (c)  
202-732-6479(o)

Sent with iPhone

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**From:** Moore, Marc J <Marc.J.Moore@ice.dhs.gov>  
**Date:** Monday, Nov 20, 2017, 4:13 PM  
**To:** Jennings, David W <David.W.Jennings@ice.dhs.gov>, [REDACTED] <[REDACTED]@ice.dhs.gov>, Johnson, Tac D <Tac.D.Johnson@ice.dhs.gov>, Bennett, Jack W <Jack.W.Bennett@ice.dhs.gov>, Hackbarth, Sean M <Sean.M.Hackbarth@ice.dhs.gov>  
**Cc:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>, Nitsch, Melissa A <Melissa.A.Nitsch@ice.dhs.gov>  
**Subject:** FW: List of community members

So I guess I need some external perspective or assistance here. Now this is supposed to be a tour for Congressman Adam Smith and Pramila Jayapal and their staff. As you will read below. This does not seem like the way we have set up Congressional tours in the past. It seems from my view that if these groups want to meet with the congress persons they certainly can. Either before or after but certainly not as a part of a congressional tour. We certainly should not be permitting a undocumented foreign national to be a part of this tour. Frankly I don't believe we should be setting up this tour locally to begin with. A dynamic like this surrounding Congresswoman Jayapal and Congressman Smith really suggests that this is something HW OCR would benefit from managing and supporting. I feel like this event has now become more complicated than I am comfortable with coordinating and staffing locally. This will clearly create dialog all the way to HQ subsequent to the tour and I believe it would be helpful to have HQ OCR leading the coordination, determining the appropriateness of things such as what I will describe below and staffing for this one.

Pramila Jayapal is a just-elected freshman Congressperson from Seattle, who has previously been a nationally-known immigrant-rights leader. She is the founder of "Hate-Free Zone" and "OneAmerica".

<https://obamawhitehouse.archives.gov/blog/2013/05/13/coming-together-build-one-america>

<https://www.wearoneamerica.org/blog/may-13/coming-together-build-one-america-pramila-jayapal-honored-white-house-champion-change>

Ms. Jayapal has co-sponsored (along with Congressman Adam Smith) a bill in the house that would place heavy external oversight on ICE detention, eliminate mandatory detention, institute a new custody-review scheme, and phase-out CDFs altogether by banning ICE from renewing contracts.

Now they are seeking to have the following community members accompany them which does not seem at all appropriate.

Maru Mora Villalpando  
Angelica Chazaro  
Megan Ybarra  
Naomi Strand  
Wendy Pantoja Castillo

ICE - 0004615

Confidential Subject to Protective Order

This is particularly true when one takes into account the following.

Maru-Mora Villalpando

She heads the local advocacy group that is behind this request is, a well-known local illegal alien who heads a group she created "Latino Advocacy":

<http://www.latinoadvocacy.org/i-index.html>

<http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/>

<https://southseattleemerald.com/2015/12/02/more-than-undocumented-modern-day-freedom-fighter-maru-mora-villapando/>

[https://www.democracynow.org/2017/4/14/immigrants\\_on\\_hunger\\_strike\\_over\\_conditions](https://www.democracynow.org/2017/4/14/immigrants_on_hunger_strike_over_conditions)

Maru Mora is the specific individual who was behind the 2014 hunger strikes and every other one since then... She continually tries to foster hunger strikes and protests both inside and outside the facility. She is a self-proclaimed illegal alien and we have confirmed this (she's a B-2 overstay). In fact, we have been planning on placing her into proceedings, either by mailing an NTA or calling her in on A G56 and serving her personally. Either way, it will of course, make the news, but we cannot continue to ignore her status under the new enforcement policies. Placing her into proceedings might actually take away some of her "clout", claiming unity by fear of the unknown. She also has authored the handbook attached

She has no family members in the facility and she's not an attorney. As she self-proclaims to be an illegal alien, we should plainly say to the Congresspersons that she will not be allowed into the facility.

Angelica Chazaro

Co-Author of the attached handbook. See page three.

Megan Ybarra

Co-Author of the attached handbook. See page three.

Naomi Strand

Co-Author of the attached handbook. See page three.

Wendy Pantoja Castillo

Co-Author of the attached handbook. See page three.

I have included both DFOD Wilcox and CRO Nitsch on this message since I will be on leave and in and out of contact on flights tomorrow for any discussions that might take place. DFOD Wilcox will be acting for me and I can catch up with him or DAD Bennett in between flights tomorrow or on Wednesday. I have asked them not delay any approval the tour participants until we can all talk.

mjm

---

**From:** Wilcox, Bryan S

**Sent:** Monday, November 20, 2017 12:39 PM

ICE - 0004616

Confidential Subject to Protective Order

**To:** Moore, Marc J  
**Subject:** FW: List of community members

Wow...

Only get more ridiculous.

These people, collectively, are the instigators of all the turmoil surrounding the NWDC for the past several years.

<http://www.nwdcresistance.org/>  
<https://www.facebook.com/NWDCResistance/>

A couple are attorneys, but one is a UW law professor and I doubt any of them have an actual client in the NWDC. But even if the attorneys have G-28s on file and are representing the detainees (which I doubt), this visit is not related to their immigration cases and letting any of them in is letting the fox in the hen-house.

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



---

**From:** Nitsch, Melissa A  
**Sent:** Monday, November 20, 2017 11:16 AM  
**To:** Wilcox, Bryan S; Penaloza, William; Bostock, Drew H  
**Subject:** FW: List of community members

FYI--

In addition to Maru Mora, this group is responsible for writing the Hunger Strikers Handbook. This just seems like a bad idea.

<http://www.nwdcresistance.org/wp-content/uploads/2015/09/HungerStrikersHandbook-ENG.pdf>

From Page 3 -- "Written by the NWDC Resistance, including J. Cipriano Ríos Alegria, Angelica Cházaro, Tomás Madrigal, Murphy Mitchel, Josefina Mora, Maru Mora Villalpando, Wendy Pantoja, Naomi Strand and Megan Ybarra"

---

**From:** Suelzle, Paige [<mailto:Paige.Suelzle@mail.house.gov>]  
**Sent:** Monday, November 20, 2017 11:11 AM  
**To:** Nitsch, Melissa A  
**Subject:** List of community members

Hi Melissa.

ICE - 0004617

Confidential Subject to Protective Order

I double-checked and this is the list of community members that would like to be a part of the visiting group. Apologies for not having these names ready earlier. Wanted to send them your way before we talked next – let me know how big our group is allowed to be. Thanks.

Maru Mora Villalpando  
Angelica Chazaro  
Megan Ybarra  
Naomi Strand  
Wendy Pantoja Castillo

Paige Suelzle  
Legislative Correspondent  
Congressman Adam Smith (WA-09)  
2264 Rayburn House Office Building | Washington, DC 20515  
Office: 202.225. [REDACTED] Mobile: 202.313. [REDACTED]  
[Twitter](#) | [Facebook](#) | [Website](#)

## **EXHIBIT 13**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)



**CONFIDENTIAL**

**From:** [REDACTED]  
**Sent:** Wednesday, December 6, 2017 10:19 AM  
**To:** [REDACTED]  
**Subject:** FW: Villalpando  
**Attachments:** 2017\_09\_01\_10\_02\_28.pdf  
**Importance:** High

I want a case created in EARM and an NTA mailed-out today to Maru Mora Villalpando.

Get with [REDACTED] for current accurate LKA

[REDACTED]  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-[REDACTED] / Desk: 206-835-[REDACTED] / Cell: 206-786-[REDACTED]



**From:** [REDACTED]  
**Sent:** Friday, September 01, 2017 3:15 PM  
**To:** [REDACTED]  
**Subject:** FW: Villalpando

I want to mail out an NTA to Maru Mora-Villalpando.

As she is a self-proclaimed undocumented alien whose own public story agrees with our record for her last arrival, do you see any reason why we cannot do this?

[REDACTED]  
Acting Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-[REDACTED] / Desk: 206-835-[REDACTED] / Cell: 206-786-[REDACTED]



1  
USAO\_000100

EXHIBIT	
14	
DEPONENT NAME	DATE
Wilcox, Bryan	09/26/23

Confidential Subject to Protective Order

Message

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**From:** Black, Timothy A [/O=IRMAIL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TABLACK]  
**Sent:** 12/7/2017 1:04:04 AM  
**To:** fraud@dol.wa.gov  
**Subject:** RE: Request application and imago

To whom it may concern:

I would like to request a digital photo and address on the following individual, as well as a copy of any application for DL this person may have submitted.

This individual has a final order of removal from the United States and is under investigation for violation of Title 8 United States Code §1325(a) and §1325(c).

Name: MORA VILLALPANDO, Maria E  
PIC#: [REDACTED]  
DOB: [REDACTED]/1970

Thank you in advance for your assistance.

Timothy A. Black  
Supervisory Detention & Deportation Officer  
DHS / ICE / ERO  
Seattle Field Office  
12500 Tukwila International Blvd  
Seattle, WA [REDACTED] 98168  
O: 206-277-[REDACTED]  
F: 206-835-[REDACTED]

ICE - 0000236

## **EXHIBIT 14**

**to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)**

## Message

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**From:** Black, Timothy A [/O=IRMMAIL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TABLACK]  
**Sent:** 12/7/2017 1:04:04 AM  
**To:** fraud@dol.wa.gov  
**Subject:** RE: Request application and image

To whom it may concern:

I would like to request a digital photo and address on the following individual, as well as a copy of any application for DL this person may have submitted.

This individual has a final order of removal from the United States and is under investigation for violation of Title 8 United States Code §1325(a) and §1325(c).

Name: MORA VILLALPANDO, Maria E  
PIC#: [REDACTED]  
DOB: [REDACTED]/1970

Thank you in advance for your assistance.

Timothy A. Black  
*Supervisory Detention & Deportation Officer*  
DHS / ICE / ERO  
Seattle Field Office  
12500 Tukwila International Blvd  
Seattle, WA 98168  
O: 206-277-[REDACTED]  
F: 206-835-[REDACTED]

## **EXHIBIT 15**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

**In The Matter Of:**  
**NWDC Resistance, et al.**  
**vs**  
**ICE, et al.**

**Deposition of**  
**Marc Moore**  
**June 08, 2022**



**Central Court Reporting**  
**800.442.DEPO**  
**Support@centralcourtreporting.com**  
**www.centralcourtreporting.com**

1 involving recent unlawful entrances?

2 A. I couldn't tell you how they prioritized them.  
3 I left that up to them.

4 Q. Are you familiar with the term "I-213"?

5 A. I am.

6 Q. What does that term refer to?

7 A. Refers to a particular government form, and the  
8 number is 213. I don't recall the title of it  
9 specifically at this point in time. I think it's Record  
10 of Deportable Alien, if I'm not mistaken. It's a form  
11 number issued by the general -- the GPO printing office  
12 when they create a form.

13 Q. When is the form used? Like why is it -- when  
14 is it filled out?

15 A. The best analogy I can give you is it's almost  
16 like an arrest report, if you were at a city, county or  
17 state law enforcement agency.

18 Q. Is the form a prerequisite before putting an  
19 individual in a removal proceeding?

20 A. It is a required part of a package to put  
21 somebody into removal proceedings, yes.

22 Q. Who fills out the I-213 normally?

23 A. Generally, the arresting or encountering  
24 officer. Hit my computer. Sorry.

25 Q. Sorry. Are you having technical issues?



1 A. I bumped my computer. I was just saying I  
2 apologize.

3 Q. Oh, okay. And what are -- to the best of your  
4 recollection, what are the sort of contents on a I-213  
5 form?

6 A. I'm not sure I understand your question at all.

7 Q. Okay. Well, have you reviewed -- in your time  
8 working at ICE, have you reviewed I-213s before?

9 A. I have.

10 Q. Okay. What kind of information does the form  
11 require to be filled out?

12 A. So examples of the information -- because I  
13 certainly do not recall every single block on an  
14 I-213 -- name, date of birth, I believe race and  
15 ethnicity and gender are on there, place of birth, place  
16 of residence, country of citizenship, country of  
17 nationality, place of encounter -- time, date and place  
18 of encounter, I suspect is on there. And then  
19 generally, there's a narrative block for the officer to  
20 fill out.

21 Q. And what does the narrative block -- what is  
22 the officer supposed to fill out in the narrative block?

23 A. It's almost a presentation of how that  
24 encounter occurred or what the probable cause was there  
25 to make the arrest. It kind of depends on the nature of





1 the encounter or the action, what kinds of material  
2 would go in there. I believe the I-213 also includes a  
3 place for the father's name and nationality, mother's  
4 name and nationality.

5 Q. You mentioned earlier that the I-213 just one  
6 piece of a package of documents that need to -- that are  
7 used to initiate removal proceedings. Where in that  
8 package does the agency fill out the reason for  
9 initiating removal proceedings? Is it the I-213 or some  
10 other document?

11 A. I'm not sure I follow you.

12 Q. I'm wondering, in that package of materials to  
13 initiate removal proceedings, where does the agency or  
14 the officer provide the basis for -- for putting that  
15 particular individual into removal proceedings?

16 A. Well, what type of removal proceedings are we  
17 talking about?

18 Q. What types are there?

19 A. Well, there's administrative removal  
20 proceedings. There's expedited removal proceedings.  
21 There's a few common 236 removal proceedings. There's  
22 different forms required for all of those. I  
23 certainly --

24 Q. Well --

25 A. -- can't quote you the forms, but -- but the



1 packages are substantively different.

2 Q. I see. Okay. Does the I-213 -- is there a  
3 place on the I-213 where the officer is supposed to fill  
4 out the reason for putting that individual into removal?

5 A. Talking about citing the charge?

6 Q. Whatever the basis is for -- for, you know,  
7 asking the immigration court to remove the individual.

8 A. Is that not citing the charges that we're  
9 placing?

10 Q. I'm not familiar with what "citing the charge"  
11 means. I'm just trying to understand, where -- does the  
12 I-213 have a place where the officer is providing the  
13 basis for asking the immigration court to remove the  
14 individual?

15 A. Still not sure I understand the question.  
16 There's forms that are -- that are completed, such as a  
17 Notice to Appear, which specifically delineates the  
18 charges that the government is alleging that the  
19 individuals violated. There's a place on the expedited  
20 removal paperwork that does something sort of similar,  
21 although in an expedited removal process, there's only a  
22 small subset of the charges that can be alleged anyway.  
23 Administrative removal proceeding is very similar.

24 So I think -- if that's what you're asking, you  
25 know, what's where the government cites the specific



1 statutory language that we're alleging that the  
2 individual is in violation of.

3 Q. Okay.

4 A. Now, the 213 may include some of that language,  
5 but that's, you know -- a filing before the court is a  
6 Notice to Appear or an expedited rule -- I think it's an  
7 I-830, but I could be wrong.

8 Q. Is the I-213 a document provided to the  
9 immigration court?

10 A. Yes, yes.

11 Q. In the course of your work as the field office  
12 director for, you know, a variety of different field  
13 offices, how often did you review I-213s?

14 A. Not very often. I mean, I've seen them as part  
15 of packages for different things that might come to my  
16 attention, such as, you know, post order custody reviews  
17 or something of that nature, but review them in detail,  
18 not very often at all.

19 Q. Okay. Would you say "not often at all" would  
20 mean like once a week or once a month?

21 A. I would say "not often at all," meaning that in  
22 most cases, those don't rise to a level that I would  
23 review. In specific, limited circumstances, there are  
24 specific things that are required by statute or by  
25 policy for me to review, such as post order custody



1 reviews, and I-213s would be a part of that particular  
2 package. So I might glance at a 213; I might not.  
3 Depends on the case that's in front of me and whether I  
4 think I need some information that that I-213 might  
5 provide.

6 Q. What is a post order custody review?

7 A. It's a -- you know, we detain for one reason  
8 and one reason only, generally, and that's to effect a  
9 removal. And the window for a removal is -- generally  
10 given is 90 days, post order. And so when an individual  
11 is very close to or at 90 days, the officers are  
12 required to complete a post order custody review package  
13 either supporting a decision by me to continue detention  
14 or a decision by me to -- to release the individual  
15 because we're -- you know, we may not have a significant  
16 likelihood of removal in the foreseeable future. But --

17 Q. So do post order custody reviews happen for any  
18 case in which removal is ordered?

19 A. No. It would happen in any case where a  
20 removal is ordered, and the removal has not been able to  
21 be effected within the 90 days prescribed by statute.

22 Q. I see. Okay. Are you familiar with the name  
23 Maru Mora or Maru Mora Villalpando?

24 A. Yes, ma'am.

25 Q. When did you first hear this name?



1 A. I see it.

2 Q. -- me?

3 A. I see it.

4 Q. Okay. So he writes, "On Maru Mora, we did not  
5 identify her. She identified herself through public  
6 self-promotion starting in 2014. At that time, existing  
7 enforcement policies precluded taking enforcement action  
8 in her case, as she was not among the liated enforcement  
9 priorities." And there's some typos there.

10 Do you see that?

11 A. I do.

12 Q. Okay. And then he goes on to say, "Under  
13 President Trump's exec order, she became an enforcement  
14 priority and was handled accordingly." And there are  
15 also some typos there.

16 Do you see that?

17 A. I do.

18 Q. So my question is, how did Ms. Mora Villalpando  
19 become an enforcement priority in 2017?

20 MS. JOHNSON: Object as to why --  
21 speculation as to why Mr. Wilcox made those statements,  
22 but if you can answer.

23 A. Well, I can answer. The reality is, I don't  
24 know why Mr. Wilcox wrote what he wrote and it would  
25 probably be better for Mr. Wilcox to speak to.



1 BY MS. LI:

2 Q. Do you agree with Mr. Wilcox's assessment that  
3 Ms. Mora Villalpando became an enforcement priority in  
4 2017 under the new enforcement policies in 2017?

5 A. Well, I don't think it's -- that it's worded in  
6 a fashion I would have worded it. It's not really, I  
7 don't think, truly in one of those enforcement priority  
8 venues; however, the memo is very clear that any officer  
9 has the ability to move forward with enforcement  
10 proceedings for -- on any individual. I think we  
11 covered that earlier.

12 Q. Okay. So then, do you agree with Mr. Wilcox  
13 that Ms. Mora Villalpando was an enforcement priority in  
14 2017 under the new enforcement policies?

15 A. As I said, I didn't write it, so it's not for  
16 me to speculate on why he wrote it the way he wrote it.  
17 I don't know that I would have used "enforcement  
18 priority" if I had been writing it, but I certainly  
19 would suggest that taking an enforcement action was  
20 permissible under the policies that then existed.

21 Q. Okay. And I'm not asking you why Mr. Wilcox  
22 wrote what he wrote. I'm asking do you agree with what  
23 he wrote. And if I'm understanding you correctly, it  
24 sounds like you wouldn't characterize Ms. Mora  
25 Villalpando's case as an enforcement priority, but you



1 I believe that enforcement was permissible; is that right?

2 A. I would not characterize it that she fell  
3 within one of the -- I believe there's five enforcement  
4 priority groupings, if you will, in both the Secretary's  
5 memorandum, and I believe the same exists in the ICE  
6 memorandum form Matt Albence. But both are very clear  
7 that it's permissible to move forward and take  
8 enforcement actions on anyone that is, you know, in  
9 violation of the Immigration and Nationality Act or  
10 Title 8.

11 Q. Okay. And then if all violations are  
12 actionable under the 2017 memo; in essence, if everyone  
13 became a priority, then why was Ms. Mora Villalpando  
14 singled out when her case has been known about since  
15 2014?

16 MS. JOHNSON: Objection. There's no -- it  
17 misstates the record that everyone became a priority  
18 under the 2017 memo.

19 A. I don't know what you're asking me. I --  
20 BY MS. LI:

21 Q. Okay. I'll rephrase. I'm wondering why, under  
22 the 2017 memo, if all violations became actionable --  
23 right? Do you agree with that characterization so far?

24 A. Permissible, is what I would characterize it.

25 Q. Okay. So then, under the 2017 memo, if all



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## REPORTER'S CERTIFICATE

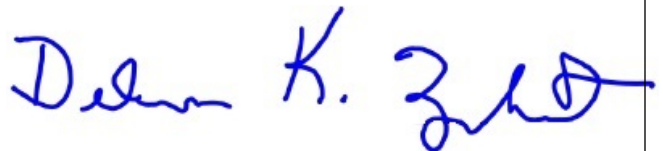
ORAL VIDEOTAPED ZOOM DEPOSITION OF MARC MOORE

June 8, 2022

I, the undersigned Certified Shorthand Reporter in  
and for the State of Texas, certify that the facts  
stated in the foregoing pages are true and correct.

I further certify that I am neither attorney or  
counsel for, related to, nor employed by any parties to  
the action in which this testimony is taken and,  
further, that I am not a relative or employee of any  
counsel employed by the parties hereto or financially  
interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of  
office on this the 13th day of June, 2022.



Debra K. Zebert, BS, RPR, CSR  
RPR No. 839015  
Expiration: 12/31/22  
TX CSR #12011  
Expiration: 6/30/23





## **EXHIBIT 16**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

U.S. Department of Homeland Security Subject ID: [REDACTED] Record of Deportable/Inadmissible Alien

Family Name (CAPI)		First	Middle	Sex	Mar	Eyes	Complex
MORA VILLALPANDO, MARIA				F	SLK	BRO	MED
Country of Citizenship	Passport Number and Country of Issue		File Number	Height	Weight	Occupation	
MEXICO	[REDACTED] MEXICO		Law Enforcement	63	140		
U.S. Address				Scars and Marks			
[REDACTED] Bellingham, WASHINGTON, 98225							
Date, Place, Time, and Manner of Last Entry			Passenger Boarded at	F.B.I. Number			
04/29/1998, SRR, B2 - Visitor For Pleasure				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension			
Date of Birth	Age	Date of Action	Location Code	Arrest			
[REDACTED] 1970	47	12/13/2017	SEA/SEA	Date/Time			
City, Province (State) and Country of Birth		AR <input checked="" type="checkbox"/>	Form (Type and No.) Filed <input type="checkbox"/> Not Filed <input type="checkbox"/>	B1			
Mexico City, MEXICO				Status at Entry			
NIV Issuing Post and NIV Number		Social Security Account Name		Status When Found			
				Length of Time Allegedly in U.S.			
Date Visa Issued		Social Security Number					
Immigration Record			Criminal Record				
NEGATIVE			None Known				
Name, Address, and Date of Last Entry (if Apprehended)				Number and Nationality of Minor Children			
[REDACTED]				None			
Father's Name, Nationality, and Address, if Known			Mother's Present and Marital Status, Nationality, and Address, if Known				
Muster Due Property in U.S. Not in Immediate Possession			Fingerprinted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		System Checks		Charge Code Word(s)
None Claimed					See Narrative		See Narrative
Name and Address of (Last/Current) U.S. Employer			Type of Employment		Salary		Employed from/to
							to
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
OTHER ALIASES KNOWN BY: ----- Mora Villalpando, Marcu Subject Health Status ----- Current Administrative Charges ----- 12/13/2017 - 237a1B - NONIMMIGRANT OVERSTAY ----- Previous Criminal History ----- Subject has no criminal history ----- Records Checked ----- Law Enforcement ----- ... (CONTINUED ON 1-831)							
Alien has been advised of communication privileges			(Date/Initials)		(Signature and Title of Immigration Officer)		
Distribution			Received (Subject and Documents) (Report of Interview)				
File			Officer [REDACTED]				
USCIS			on December 13, 2017 (Time)				
Statistics			Disposition: Warrant of Arrest/Notice to Appear				
			Examining Officer: BLACK, TIMOTHY A.				

Exhibit 16  
Form I-212 (Rev. 08/01/07)  
Page 1 of 2

ICE - 0001858

EXHIBIT	
15	
DEPONENT NAME:	DATE:
W. leox, Bryan	09/26/23

Confidential Subject to Protective Order

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name <b>MORA VILLALPANDO, MARIA</b>	File Number <b>Law Enforcement</b>	Date <b>12/18/2017</b>
	Event No: <b>Law Enforcement</b>	
<p>Record of Deportable/Excludable Alien:</p> <p>Maria MORA VILLALPANDO came to the attention of Seattle, WA, ICE-ERO after an interview was published in the "Whatcom Watch" wherein she stated that she is "undocumented" and that "many people like me come on a visa and then do not return to their countries when the visa has expired." (<a href="http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/">http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/</a>) Upon review of the article and available information regarding her situation it should also be noted that she has extensive involvement with anti-ICE protests and Latino advocacy programs. VILLALPANDO has become a public figure primarily in Whatcom County, where she currently resides.</p> <p>VILLALPANDO was admitted to the United States (US) at San Francisco, California, on April 29, 1996, as a nonimmigrant B2 visitor. VILLALPANDO has remained in the US beyond the six month allotted period of admission without authorization from the Immigration and Naturalization Service or its successor, the Department of Homeland Security.</p> <p>VILLALPANDO has no criminal history.</p> <p>VILLALPANDO's immigration history is as follows:</p> <p>08/02/1995: VILLALPANDO was admitted to the U.S. at Los Angeles, California, as a nonimmigrant B2 visitor.</p> <p>04/29/1996: VILLALPANDO was admitted to the U.S. at San Francisco, California, as a nonimmigrant B2 visitor.</p> <p>12/14/2017: A Notice to Appear (Form I-862) was issued charging violation of Section 237(a)(1)(B) of the Immigration and Nationality Act, (Act) as amended, in that after admission to the United States as a nonimmigrant under Section 101(a)(15) of the Act, VILLALPANDO remained in the US for a time longer than permitted in violation of the Act or any other law of the United States.</p> <p>Other Identifying Numbers</p> <p>[REDACTED]</p> <p>[REDACTED]</p>		
Signature	[REDACTED]	Title <b>DO</b>

2 of 2 Pages

Form I-831 Continuation Page (Rev. 08/01/07)

ICE - 0001859

Exhibit 16  
Page 2 of 2

## **EXHIBIT 17**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

FILE COPY

U.S. Department of Homeland Security

## Notice to Appear

## In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED] 1970

Event No: [REDACTED]

In the Matter of:

Respondent: MARIA MORA VILLALPANDO

currently residing at:

[REDACTED] Bellingham, WASHINGTON, 98228

(206) 251 [REDACTED]

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of MEXICO and a citizen of MEXICO;

3. You were admitted to the United States at San Francisco, California on or about April 29, 1996 as a nonimmigrant B2 visitor with authorization to remain in the United States for a temporary period not to exceed six months;

4. You remained in the United States beyond six months without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1000 2nd Ave., Suite 2500, Seattle, WA 98104.

(Complete Address of Immigration Court, including Room Number, if any)

on To be set. at To be set. to show why you should not be removed from the United States based on the

(Date) (Time)

charge(s) set forth above.

TIMOTHY A. BLACK

SDDO

(Signature and Title of Issuing Officer)

Date: December 14, 2017

Seattle, WA

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

ICE - 0000209

Exhibit 17  
Page 1 of 4

EXHIBIT 16

DATE: 09/26/23

DEPONENT NAME: Wilcox, Bryan

FILE COPY

## Notice to Respondent

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

## Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date: \_\_\_\_\_

(Signature and Title of Immigration Officer)

## Certificate of Service

This Notice To Appear was served on the respondent by me on December 14, 2017, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- ☐ in person ☒ by certified mail, return receipt requested ☐ by regular mail  
☐ Attached is a credible fear worksheet. 7006 2150 8000 4145 8397  
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the \_\_\_\_\_ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

DO

(Signature and Title of officer)

Form I-862 Page 2 (Rev. 08/01/97)

12/20/2017

USPS.com® - USPS Tracking® Results

FILE COPY

**USPS Tracking®**FAQs > (<http://faq.usps.com/?articleId=220900>)**Track Another Package +****Tracking Number:** 70062150000041458397

Remove X

Your item was delivered to an individual at the address at 1:02 pm on December 20, 2017 in BELLINGHAM, WA 98225.

**✓ Delivered**

December 20, 2017 at 1:02 pm  
DELIVERED, LEFT WITH INDIVIDUAL  
BELLINGHAM, WA 98225

Get Updates ∨

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Text & Email Updates

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Tracking History

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Product Information

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See Less ^**Can't find what you're looking for?**

Go to our **FAQs** (<http://faq.usps.com/?articleId=220900>) section to find answers to your tracking questions.

FILE COPY

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  X <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:  <i>Maria Maria V. Kilpando</i>  [Redacted]  <i>Bellingham, WA 98225</i></p>		<p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>12-20</i></p>	
<p>2. Article Number  (Transfer from service label) <i>7006 2150 0000 4145 8397</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If YES, enter delivery address below:</p>	
<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-46-1540

UNITED STATES POSTAL SERVICE  
SEATTLE  
WA 98101  
20 DEC 17  
PM 3:1

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

\* Sender: Please print your name, address, and ZIP+4 in this box \*

U.S. Department of Homeland Security  
Immigration & Customs Enforcement  
Enforcement & Removal Operations  
12500 Tukwila International Blvd  
Seattle, WA 98168

ATTN: [Redacted]

DEC 22 2017  
NTA  
808

66-250600



## **EXHIBIT 18**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

## Message

**From:** Moore, Marc J [/O=IRMMAIL/OU=MBX SERVERS - DAL/CN=RECIPIENTS/CN=MJMOORE]  
**Sent:** 1/16/2018 8:28:16 PM  
**To:** Moore, Marc J [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=MJMoore]  
**Subject:** RE: 9am managers call with FOD Moore

Bryan,

I need to know what we can do, if anything. We need to get a hold of someone.

mjm

**From:** Moore, Marc J  
**Sent:** Tuesday, January 16, 2018 10:57 AM  
**To:** Wilcox, Bryan S  
**Subject:** RE: 9am managers call with FOD Moore

And?

Sent with BlackBerry Work  
[www.blackberry.com](http://www.blackberry.com)

**From:** Wilcox, Bryan S <[Bryan.S.Wilcox@ice.dhs.gov](mailto:Bryan.S.Wilcox@ice.dhs.gov)>  
**Date:** Tuesday, Jan 16, 2018, 9:43 AM  
**To:** Moore, Marc J <[Marc.J.Moore@ice.dhs.gov](mailto:Marc.J.Moore@ice.dhs.gov)>  
**Subject:** RE: 9am managers call with FOD Moore

Will do

Bryan S. Wilcox  
 Deputy Field Office Director  
 ICE Enforcement & Removal Operations, Seattle, WA  
 Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP



**From:** Moore, Marc J  
**Sent:** Tuesday, January 16, 2018 9:43 AM  
**To:** Wilcox, Bryan S  
**Subject:** RE: 9am managers call with FOD Moore

Call me and let me know what you and counsel determine re: my questions.

Exhibit 18  
 Page 1 of 4

ICE - 0003616

EXHIBIT 19	
DEPONENT NAME: Wilcox, Bryan	DATE: 09/26/23

Confidential Subject to Protective Order

mjm

---

**From:** Wilcox, Bryan S  
**Sent:** Tuesday, January 16, 2018 9:38 AM  
**To:** Moore, Marc J  
**Subject:** RE: 9am managers call with FOD Moore

<< File: Scan\_2018\_01\_03\_12\_08\_19\_083.pdf >>

Marc,

We really have very little to comment on (to the media) with regards to Maru Mora.

We know from [LEP] that she had at least one entry into the U.S. as a B-2, on August 2, 1995, prior to her April 29, 1996 entry (as a B-2) for which she never left.

She has been known to us for many years as a vocal alien advocate and illegal alien, by her own promotion of her story. She has previously not been a priority for enforcement as a non-criminal, but under the new enforcement policy she is an enforcement priority, albeit a low one.

Her public story is inconsistent:

One article states:

"Fearing the violence associated with the insecure political climate in Mexico City, Mexico, Villalpando fled to the U.S. in 1992. Today, the Washington-based leader is a single mother, community organizer, published journalist, and social activist. But there is more to her than meets the eye – her immigration status."

<https://southseattleemerald.com/2015/12/02/more-than-undocumented-modern-day-freedom-fighter-maru-mora-villapando/>

*"Maru Mora Villalpando was born and raised in Mexico City. She first came to the United States in the early 90s for economic reasons. She returned to the United States in 1994 for political reasons."*

<http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/>

"In 1996, she used her tourist visa for the last time to see her family. The year after, her daughter was born in Seattle and the 46-year-old community organizer, social activist and single mother became a visa over-stayer."

<https://www.voanews.com/a/after-overstaying-visas-immigrants-face-uncertain-future/3868473.html>

The -213:

## I-213 Narrative

### Narrative 1 : Created Date: 12/14/2017 04:25 PM

Maria MORA VILLALPANDO came to the attention of Seattle, WA, ICE-ERO after an interview was published in the "Whatcom Watch" wherein she stated that she is "undocumented" and that "many people like me come on a visa and then do not return to their countries when the visa has expired." (<http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/>) Upon review of the article and available information regarding her situation it should also be noted that she has extensive involvement with anti-ICE protests and Latino advocacy programs. VILLALPANDO has become a public figure primarily in Whatcom County, where she currently resides.

VILLALPANDO was admitted to the United States (US) at San Francisco, California, on April 29, 1996, as a nonimmigrant B2 visitor. VILLALPANDO has remained in the US beyond the six month allotted period of admission without authorization from the Immigration and Naturalization Service or its successor, the Department of Homeland Security.

VILLALPANDO has no criminal history.

VILLALPANDO's immigration history is as follows:

08/02/1995: VILLALPANDO was admitted to the U.S. at Los Angeles, California, as a nonimmigrant B2 visitor.

04/29/1996: VILLALPANDO was admitted to the U.S. at San Francisco, California, as a nonimmigrant B2 visitor.

12/14/2017: A Notice to Appear (Form I-862) was issued charging violation of Section 237(a)(1)(B) of the Immigration and Nationality Act, (Act) as amended, in that after admission to the United States as a nonimmigrant under Section 101(a)(15) of the Act, VILLALPANDO remained in the US for a time longer than permitted in violation of the Act or any other law of the United States.

We know that she is the primary instigator and coach of all the so-called hunger strikes we've had at the NWDC as well as almost all meaningful protests over the past decade.

Not for the media... We also know that she came here with her husband in 1996, who also never left, and they are divorced and he's today a USC through marriage to someone else.

Bryan S. Wilcox

Deputy Field Office Director

ICE Enforcement & Removal Operations, Seattle, WA

Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP

<< OLE Object: Picture (Device Independent Bitmap) >>

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**From:** Nitsch, Melissa A

**Sent:** Tuesday, January 16, 2018 9:07 AM

**To:** Wilcox, Bryan S

**Subject:** RE: 9am managers call with FOD Moore

Her group is holding a press conference right now in front of the 2<sup>nd</sup> Ave bldg.

---

**From:** Wilcox, Bryan S

**Sent:** Tuesday, January 16, 2018 8:45 AM

Confidential Subject to Protective Order

**To:** Nitsch, Melissa A  
**Subject:** RE: 9am managers call with FOD Moore

Just heard that from Marc.

Surprised it took her so long

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP

<< OLE Object: Picture (Device Independent Bitmap) >>

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**From:** Nitsch, Melissa A  
**Sent:** Tuesday, January 16, 2018 8:42 AM  
**To:** Wilcox, Bryan S  
**Subject:** RE: 9am managers call with FOD Moore

You may already be aware, but Maru Mora is talking to the media about the NTA: <http://crosscut.com/2018/01/ice-targets-maru-mora-prominent-immigration-activist-for-deportation-trump/>

---

**From:** Wilcox, Bryan S  
**Sent:** Tuesday, January 16, 2018 8:41 AM  
**To:** Melendez, Michael A; Wong, Bonty H; Nitsch, Melissa A; [REDACTED]  
**Subject:** 9am managers call with FOD Moore

Let's remember to gather here in the next 10 mins for the managers call.

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: LEP

<< OLE Object: Picture (Device Independent Bitmap) >>

## **EXHIBIT 19**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

Message

**From:** Bostock, Drew H [/O=IRMMAIL/OU=MBX SERVERS - SEA/CN=RECIPIENTS/CN=DHBOSTOC]  
**Sent:** 1/17/2018 1:10:52 AM  
**To:** Wilcox, Bryan S [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=bswilcox]  
**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

I cannot believe that Tim signed off on that I-213. Did you ask him to have [REDACTED] do it? I know we talked about that but was not on the ground when this played out.

Drew H. Bostock  
 AFOD/OIC  
 NWDC  
 Seattle Field Office

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Tuesday, Jan 16, 2018, 20:05  
**To:** Bostock, Drew H <Drew.H.Bostock@ice.dhs.gov>  
**Subject:** FW: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

Between us...

This blowing up today on the news and in my face with the officer's [REDACTED] language in the -213.

Could have sworn we were going to have [REDACTED] do the write-up.

No matter, HQ (and Marc Moore) are faulting me for not personally reviewing the NTA and -213.

Sent with BlackBerry Work  
 (www.blackberry.com)

**From:** Wilcox, Bryan S <Bryan.S.Wilcox@ice.dhs.gov>  
**Date:** Tuesday, Jan 16, 2018, 11:19 AM  
**To:** [REDACTED]@ice.dhs.gov, [REDACTED]@ice.dhs.gov  
**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

You guys ready to talk?

Bryan S. Wilcox  
 Deputy Field Office Director  
 ICE Enforcement & Removal Operations, Seattle, WA  
 Main: 206-835-0070 / Desk: 206-835-0042 / Cell: [REDACTED]

LEP



**From:** [REDACTED]  
**Sent:** Tuesday, January 16, 2018 11:13 AM  
**To:** Wilcox, Bryan S; Yi, James S  
**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

ICE - 0000826

Exhibit 19  
 Page 1 of 5

EXHIBIT	20	DATE:	09/26/23
	DEPONENT NAME: Wilcox, Bryan		

Confidential Subject to Protective Order

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Thank you.

\_\_\_\_\_  
Deputy Chief Counsel  
Seattle Office of the Chief Counsel / OPLA  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
Tel: (206) 613-\_\_\_\_ Fax: (206) 682-\_\_\_\_\_

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**From:** Wilcox, Bryan S

**Sent:** Tuesday, January 16, 2018 10:57 AM

**To:** \_\_\_\_\_

**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando \_\_\_\_\_

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ICE - 0000827



**LEP**

# ACC

# ACC

Confidential Subject to Protective Order

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Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 /

LEP

<< OLE Object: Picture (Device Independent Bitmap) >>

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**From:** \_\_\_\_\_  
**Sent:** Tuesday, January 16, 2018 9:55 AM  
**To:** Wilcox, Bryan S  
**Cc:** \_\_\_\_\_  
**Subject:** RE: 9am managers call with FOD Moore

ACC

\_\_\_\_\_  
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\_\_\_\_\_  
Deputy Chief Counsel  
Seattle Office of the Chief Counsel / OPLA  
Tacoma sub-office  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
Tel: (253) 779-\_\_\_\_ Fax: (253) 779-\_\_\_\_\_

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\_\_\_\_\_  
**From:** Wilcox, Bryan S  
**Sent:** Tuesday, January 16, 2018 9:45 AM  
**To:** \_\_\_\_\_  
**Subject:** FW: 9am managers call with FOD Moore  
**Importance:** Hgh

ACC

ICE - 0000829

Confidential Subject to Protective Order

# ACC

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 /

LEP

<span style="font-size

[REDACTED]

[REDACTED]

[REDACTED]

ICE - 0000830

## **EXHIBIT 20**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

## Message

**From:** Wilcox, Bryan S [/O=IRMMAIL/OU=MBX SERVERS - COW/CN=RECIPIENTS/CN=BSWILCOX]  
**Sent:** 1/17/2018 1:14:54 AM  
**To:** Bostock, Drew H [/O=IRMMAIL/OU=MBX Servers - SEA/cn=Recipients/cn=DHBostoc]  
**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

Thought I did.

Biggest concern being that second sentence which will give legitimacy to claims of targeting her for her activities. The whole sentence is unnecessary.

Maria MORA VILLALPANDO came to the attention of Seattle, WA, ICE-ERO after an interview was published in the "Whatcom Watch" wherein she stated that she is "undocumented" and that "many people like me come on a visa and then do not return to their countries when the visa has expired." (<http://whatcomwatch.org/index.php/article/maru-mora-villalpando-and-latino-advocacy/>) Upon review of the article and available information regarding her situation it should also be noted that she has extensive involvement with anti-ICE protests and Latino advocacy programs. VILLALPANDO has become a public figure primarily in Whatcom County, where she currently resides.

Bryan S. Wilcox  
 Deputy Field Office Director  
 ICE Enforcement & Removal Operations, Seattle, WA  
 Main: 206-835-0070 / Desk: 206-835-0042 / Cell: 206- [REDACTED] LEP



**From:** Wilcox, Bryan S  
**Sent:** Tuesday, January 16, 2018 5:05 PM  
**To:** Bostock, Drew H  
**Subject:** FW: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

Between us...

This blowing up today on the news and in my face with the officer's [REDACTED] language in the -213.

Could have sworn we were going to have [REDACTED] to the write-up.

No matter, HQ (and Marc Moore) are faulting me for not personally reviewing the NTA and -213.

Sent with BlackBerry Work  
 ([www.blackberry.com](http://www.blackberry.com))

**From:** Wilcox, Bryan S <[Bryan.S.Wilcox@ice.dhs.gov](mailto:Bryan.S.Wilcox@ice.dhs.gov)>  
**Date:** Tuesday, Jan 16, 2018, 11:19 AM  
**To:** [REDACTED] <[\[REDACTED\]@ice.dhs.gov](mailto:[REDACTED]@ice.dhs.gov)>, [REDACTED] <[\[REDACTED\]@ice.dhs.gov](mailto:[REDACTED]@ice.dhs.gov)>  
**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

Exhibit 20  
 Page 1 of 5

ICE - 0000831

EXHIBIT	
21	
DEPONENT NAME:	DATE:
Wilcox, Bryan	01/26/23

Confidential Subject to Protective Order

**ACC**

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: 206-LEP



**From:** [REDACTED]  
**Sent:** Tuesday, January 16, 2018 11:13 AM  
**To:** Wilcox, Bryan S; [REDACTED]  
**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

Thank you.

[REDACTED]  
Deputy Chief Counsel  
Seattle Office of the Chief Counsel / OPLA  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
Tel: (206) 613-[REDACTED] Fax: (206) 682-[REDACTED]

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**From:** Wilcox, Bryan S  
**Sent:** Tuesday, January 16, 2018 10:57 AM  
**To:** [REDACTED]  
**Subject:** RE: 9am managers call with FOD Moore RE: Maru Mora Villalpando [REDACTED]

Here you go

**ACC**

Confidential Subject to Protective Order

# ACC

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Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: 206-\_\_\_\_\_**LEP**

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**From:** \_\_\_\_\_  
**Sent:** Tuesday, January 16, 2018 10:52 AM  
**To:** Wilcox, Bryan S; \_\_\_\_\_  
**Subject:** RE: 9am managers call with FOD Moore

\_\_\_\_\_  
\_\_\_\_\_  
Bryan,

# ACC

\_\_\_\_\_  
Deputy Chief Counsel  
Seattle Office of the Chief Counsel / OPLA  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
Tel: (206) 613-\_\_\_\_\_  
Fax: (206) 682-\_\_\_\_\_

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\_\_\_\_\_  
ICE - 0000833

Exhibit 20  
Page 3 of 5

Confidential Subject to Protective Order

by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

**From:** Wilcox, Bryan S  
**Sent:** Tuesday, January 16, 2018 10:48 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: 9am managers call with FOD Moore

10-4

ACC

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: 206- [REDACTED] LEP

<< OLE Object: Picture (Device Independent Bitmap) >>

**From:** [REDACTED]  
**Sent:** Tuesday, January 16, 2018 9:55 AM  
**To:** Wilcox, Bryan S  
**Cc:** [REDACTED]  
**Subject:** RE: 9am managers call with FOD Moore

ACC

[REDACTED]  
[REDACTED]  
Deputy Chief Counsel  
Seattle Office of the Chief Counsel / OPLA  
Tacoma sub-office  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
Tel: (253) 779- [REDACTED] Fax: (253) 779- [REDACTED]

**From:** Wilcox, Bryan S  
**Sent:** Tuesday, January 16, 2018 9:45 AM  
**To:** [REDACTED]  
**Subject:** FW: 9am managers call with FOD Moore  
**Importance:** High

ICE - 0000834



Confidential Subject to Protective Order

ACC

Bryan S. Wilcox  
Deputy Field Office Director  
ICE Enforcement & Removal Operations, Seattle, WA  
Main: 206-835-0070 / Desk: 206-835-0042 / Cell: 206-**LEP**  
<span style="font-size

ICE - 0000835

## **EXHIBIT 21**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)



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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

LA RESISTENCIA, and COALITION OF  
ANTI-RACIST WHITES,

Plaintiffs,

v.

No. 3:18-cv-05860

IMMIGRATION & CUSTOMS ENFORCEMENT,  
MATTHEW T. ALBENCE, in his official  
capacity as Acting Director of Immigration  
and Customs Enforcement; and KEVIN MCALEENAN,  
in his official capacity as Acting Secretary of  
Homeland Security,

Defendants.

**ATTORNEYS EYES ONLY**

**REMOTE STREAMING DEPOSITION OF**

**MELISSA ANN NITSCH**

**TAKEN ON  
FRIDAY, SEPTEMBER 29, 2023  
9:07 A.M.**

**SEATTLE, WASHINGTON**

1           **MS. FUNDAKOWSKI:** That's why I shouldn't pre-mark  
2 my exhibits.

3 **BY MS. FUNDAKOWSKI:**

4           **Q.** All right. Ms. Nitsch, can you see my screen?

5           **A.** Yes.

6           **Q.** All right.

7           **A.** Yes, I can see your screen.

8           **Q.** This is a one-page document. I'll zoom in because  
9 the only text is on this first page.

10          **A.** Okay.

11          **Q.** Okay. Do you recognize this document?

12          **A.** Yes.

13          **Q.** What is it?

14          **A.** An email to -- from me to Richard Rocha, the  
15 deputy at the Office of Partnership and Engagement, and  
16 Marco Martinez, who may have -- who was likely the acting  
17 regional director at the time.

18          **Q.** Okay. And this email concerns Ms. Villalpando's  
19 I-213 form, doesn't it?

20          **A.** Yes.

21          **Q.** And is that the document that we just reviewed  
22 prior to this --

23          **A.** Yes.

24          **Q.** -- document?

25          **A.** Yes.

1           **Q. And what do you say about the language in Ms.**  
2 **Villalpando's I-213 form in this email?**

3           A. "That I expect it will be soon -- it will soon be  
4 posted to her Facebook page and start generating media and  
5 community inquiries beyond this region because of the  
6 following narrative."

7           **Q. And that narrative is the information about her**  
8 **Whatcom Watch interview that we discussed previously?**

9           A. I think I was more referring to the "should be  
10 noted" part at the end, but yeah.

11           **Q. Okay. So the language that you're concerned**  
12 **about, you said, is this should also be noted language?**

13           A. I mean, probably the whole thing was concerning,  
14 actually.

15           **Q. And why do you think this language was concerning?**

16           A. Well, it did not look good from an optics  
17 perspective.

18           **Q. Can you explain why this language doesn't look**  
19 **good from an optics perspective?**

20           A. It -- it looks like they are using an article and  
21 her activity in the community to put her in removal  
22 proceedings.

23           **Q. And this email is from January 26th, 2018, right?**

24           A. Yes.

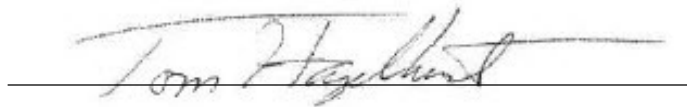
25           **Q. And, obviously, Ms. Villalpando, at this time, had**

CERTIFICATE

I, the undersigned, Tom Hazelhurst, am a videographer on behalf of NAEGELI Deposition & Trial. I do hereby certify that I have accurately made the video recording of the deposition of Melissa Nitsch, in the above captioned matter on the 29th day of September, 2023 taken at the location of 4734 37<sup>th</sup> Avenue SW Seattle, WA 98126.

No alterations, additions, or deletions were made thereto.

I further certify that I am not related to any of these parties in the matter and I have no financial interest in the outcome of this matter.

A handwritten signature in cursive script, appearing to read "Tom Hazelhurst", is written over a horizontal line.

Tom Hazelhurst

## **EXHIBIT 26**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

## Message

**From:** Bostock, Drew H [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=11108278E01D4121BF17664AB8EB1811-BOSTOCK, DR]  
**Sent:** 9/22/2021 5:02:41 PM  
**To:** [REDACTED] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1eb560816f86465a92a3021f7c9eef9c-[REDACTED] Clifford, Erin J  
 [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=942a97f4155941c98afc2409c2c50296-Clifford, E]; Wilcox, Bryan S  
 [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6d65f5230a44404892b52a4a496eadd5-Wilcox, Bry]; Asher, Nathalie R  
 [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a29d9ff1f2b84748ac5e29ed6c145a2b-Asher, Nath]; Melendez, Michael A  
 [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6494eb57feae4be892aef1f6995d23ce-Melendez, M]  
**CC:** Bostock, Drew H [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=11108278E01D4121bf17664ab8eb1811-Bostock, Dr]  
**Subject:** FW: Upcoming Protest in Seattle

FYSA

**From:** [REDACTED]@geogroup.com>  
**Sent:** Wednesday, September 22, 2021 10:01 AM  
**To:** [REDACTED]@ice.dhs.gov>; [REDACTED]@geogroup.com>; Bostock, Drew H <Drew.H.Bostock@ice.dhs.gov>; Lippard, Jack W <Jack.W.Lippard@ice.dhs.gov>; [REDACTED]@geogroup.com>; [REDACTED]@geogroup.com>; [REDACTED]@geogroup.com>; [REDACTED]@geogroup.com>  
**Cc:** [REDACTED]@geogroup.com>; [REDACTED]@geogroup.com>  
**Subject:** Upcoming Protest in Seattle

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact ICE SOC SPAM with questions or concerns.

ALCON,

Tomorrow at approximately 1600 hours local time (HLT) La Resistencia will be hosting a protest at the US Immigration and Customs Enforcement building located at 1000 2<sup>nd</sup> Ave, Seattle, WA. 98104. As of today, 66 people have expressed interest and 12 people have confirmed their attendance. [REDACTED] See below for Facebook post.



## Details

78 people responded

Event by La Resistencia

1000 2nd Ave, Seattle, WA 98104-1002, United States

Public - Anyone on or off Facebook

After four years of being targeted by Immigration Custom Enforcement (ICE) for her work to dismantle the enforcement agency, our leader, immigrant rights defender, and organizer Maru Mora Villalpando has been granted prosecutorial discretion. Maru was one of hundreds of immigration organizers singled out by ICE during the Trump administration -- targeted for her political action. One high-ranking ICE officer described her as an "instigator" in an internal email. Another responded that Maru was a "well-known local illegal alien," and suggested that deporting her might "take away some of her clout." A few weeks after those emails, ICE placed Maru, who was born in Mexico, in deportation proceedings.

Join us this Thursday to celebrate yet another victory against ICE, and demand that ICE grant prosecutorial discretion to all people in deportations proceedings. Speakers will include leaders of La Resistencia, State Representative Lillian Ortiz-Seif, State Senator Rebecca Saldaña, Alejandra Gonza Director of Grassroots Advocacy, and others.

Let's continue the fight! #FreeThemAll #ShutdownNWDC now! #AbolishICE



23

TOMORROW AT 4 PM PDT

**Victory against ICE! maru's deportation proceedings end!**

1000 2nd Ave, Seattle, WA 98104-1002, United States

V/R

Intelligence Officer

The GEO Group, Inc.®

Northwest Ice Processing Center

1623 East J Street

Tacoma, Washington 98421

Tel: 253 680 [REDACTED] • Fax: 253 396 [REDACTED]

Mobile: 253 254 [REDACTED]

[REDACTED]@geogroup.com

[www.geogroup.com](http://www.geogroup.com)

## **EXHIBIT 30**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

Confidential Subject to Protective Order

## Message

**From:** Decker, Thomas [/O=IRMMAIL/OU=MBX SERVERS - BAL/CN=RECIPIENTS/CN=TDECKER]  
**Sent:** 4/11/2017 10:41:50 AM  
**To:** [REDACTED] [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[REDACTED]]  
**Subject:** NY Times

Good morning [REDACTED], I'm not sure if this is the article. Tom

N.Y. / Region

## Once Routine, Immigration Check-Ins Are Now High Stakes

By LIZ ROBBINS APRIL 11, 2017

Photo



Ravi Ragbir, center, brought a show of force to his Immigration and Customs Enforcement check-in last month in Lower Manhattan. The City Council members Jumaane D. Williams, left, and Ydanis Rodriguez walked arm in arm with him afterward. Credit Kevin Hagen for The New York Times

For years, it was an uneventful ritual. Unauthorized immigrants who weren't considered a priority for deportation would meet with an Immigration and Customs Enforcement officer and be told simply, "See you next year."

ICE - 0083561

EXHIBIT	
18	
DEPONENT NAME:	DATE:
Decker, TOM	1D 10/6/23

Confidential Subject to Protective Order

The deportation officers, as they are known, were employing prosecutorial discretion, which let them free up resources and detention center space to focus on the deportation of convicted criminals.

Now, under President Trump, the stakes of these meetings have changed. What was routine is now roulette.

Mr. Trump issued an executive order in January broadening the definition of deportable offenses to include all immigrants living in the country illegally. It has affected all levels of enforcement, including the check-in where people wait to go before an immigration judge or appear with pending appeals and petitions or final orders of removal.

Nobody wants to be the next Guadalupe Garcia de Rayos, the Arizona woman who was deported to Mexico after her routine check-in with ICE officials in February. She had been checking in annually since she was caught using a fake Social Security number in 2008.

“Every immigration lawyer in the U.S. has this uncertainty with clients now,” said Kerry Bretz, a veteran New York lawyer. Previously, he said, he told his clients: “Don’t worry about it. You’re going to walk in, you’re going to walk out, you’re going to renew your work authorization and get on with your life.”

Now, he said, it’s his ethical duty to warn clients before a check-in to get their affairs in order. “Because you might not come out,” he said.

Meredith Kalman, a lawyer for Mr. Bretz’s firm, said that as she was leaving a check-in last month in Manhattan, an officer gave her this warning: “It’s a whole new world, Counselor.”

According to Ms. Kalman, the officer told her during the meeting, “I’m sorry, I’m getting pressure because my title is deportation officer — my job is to deport people.”

Photo



ICE - 0083562

Confidential Subject to Protective Order

Supporters of Mr. Ragbir at a rally in Manhattan on March 9. Mr Ragbir came from Trinidad and Tobago in 1991 and was ordered deported after being convicted of wire fraud in 2000. Credit Kevin Hagen for The New York Times

Immigration agency officials insist that they still focus on the deportation of people who were convicted of crimes and pose a threat to their community. However, Rachael Yong Yow, a spokeswoman for the ICE New York field office, said, "All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States."

That is what should be happening, said Daniel Stein, the president of the Federation for American Immigration Reform, which supports stricter immigration controls. "If you are here and removable, you are living on borrowed time," he said.

Mr. Stein said prosecutorial discretion, generally used in criminal law, should not technically cover ICE check-ins since ICE was not giving people legal status to stay in the country at these meetings, only granting them an administrative delay.

Cheryl R. David, a New York immigration lawyer, sees the chances for such a delay dwindling. "There's definitely been a culture shift," she said.

"ICE is more inclined to enforce, from their perspective, the immigration law," Ms. David added, "and if you have a final order of removal, you're going to have to try and rectify it."

Or else, she said, deportation will follow.

There seems to be no consistent policy from one field office to the next, lawyers say. The immigration agency was not immediately able to provide statistics regarding those who were detained or deported as a result of their check-ins, or how the frequency of those check-ins had changed.

Last month, Mr. Bretz accompanied a client, a 49-year-old real estate business owner from the former Soviet Union, to his check-in in Manhattan, bringing a thick file of testimonials from his client's associates along with pictures of his children. Mr. Bretz said that his client had no criminal record, and that attempts to rectify what he claimed was an immigration officer's mistake in adjusting his status more than 20 years earlier had failed.

---

Bottom of Form

For the seventh straight year, the man was told that he could come back in a year.

Another lawyer in Mr. Bretz's firm, Tiffany Javier, had the opposite experience in Hartford. Her client, a 44-year-old man from Kenya, had arrived in 1993 on a visa but had overstayed. He became a nurse, he paid taxes, and he was raising a stepson with his second wife.

But years earlier, a judge had rejected his request for a green card after he married his first wife, suspecting that the marriage was fraudulent. He had been checking in quarterly, until February, when he was given a month to buy his own ticket back to Kenya. He left in mid-March.

The experience led Ms. Javier to believe that now, prosecutorial discretion was "out the window." She said some immigration officers "feel emboldened where they can pretty much do what they want."

Photo

ICE - 0083563



Confidential Subject to Protective Order



Catalino Guerrero, center, walked into his ICE check-in in Newark on March 10, surrounded by supporters including Senator Robert Menendez, left, and Cardinal Joseph W. Tobin, center right. Credit Julio Cortez/Associated Press

The uncertain climate has led to a new trend: spirited protests by advocates, clergy and city officials surrounding a check-in.

In March in Newark, a 59-year-old man who had come in illegally from Mexico in 1991 arrived for a check-in with an entourage that included Senator Robert Menendez, a Democrat from New Jersey, and Cardinal Joseph W. Tobin of the Newark Archdiocese. Cardinal Tobin, an outspoken defender of immigrant's rights, gave a brief speech imploring the ICE officials who would decide the man's fate to "not only see his face, but see ours as well."

The man, Catalino Guerrero, had been checking in annually since 2011 because an asylum application someone had filed by mistake had been rejected. He had suffered a stroke, and because of his health was granted a stay of removal. This time, he was told to return in three months while his lawyers pursued another avenue for him to stay in the country.

At another protest outside the Jacob K. Javits Federal Building in Lower Manhattan, more than 100 advocates from the New Sanctuary Movement of New York were rallying around their executive director, Ravi Ragbir, who was fighting his own deportation. Mr. Ragbir, 56, came from Trinidad and Tobago in 1991 and had been a lawful permanent resident when he was convicted of wire fraud in 2000. After he served his sentence, he was ordered deported and detained by immigration officials.

In 2011, the New York field office of ICE granted him a stay of removal, which he most recently renewed until 2018.

On March 9, an ICE officer ordered him to return in a month with proof that he had applied for travel documents with Trinidad and Tobago's consulate in New York. He did that, and on Thursday, the enforcement agency did exercise discretion — allowing Mr. Ragbir to check in in January 2018.

ICE - 0083564

Confidential Subject to Protective Order

In the ninth-floor waiting room of the federal building in Manhattan, where ICE check-ins take place, the worry among people of all ages and nationalities was palpable last month. Two televisions were turned to CNN; Mr. Trump flashed on the screen. From one of the four unmarked doors — no one knew where to look — an ICE officer would emerge and call a name.

Ramesh Palaniandi, a legal permanent resident from Guyana who had served a brief sentence for burglary, went in that day, but did not re-emerge. He was taken to a detention center after his ICE check-in, leaving his crying wife, Janice Hoseine, behind. A month later he was released with his case still pending.

But in Latham, N.Y., at the federal immigration office in the Hudson Valley, one lawyer was heartened by the treatment of his client's case. Maria Martínez-Chacón, a native of El Salvador, has been under an order of supervision since February, when ICE picked up her husband, Ramiro, for having re-entered the country illegally.

She has two children who are United States citizens, and was told to return on Wednesday. According to her lawyer, Nicholas E. Tishler, Ms. Martínez-Chacón has a good case for asylum.

"The people I have come into contact with so far have exercised their discretion in a humane manner," Mr. Tishler said, "and I hope it continues."



## **EXHIBIT 41**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)

~~Law Enforcement Sensitive — For Official Use Only~~

**U.S. Immigration  
and Customs  
Enforcement**

April 21, 2016

**ERO Boston – Jose Victor GARCIA-Diaz, DOB 07/28/1991**

The following information is based on a review of queries in DHS and DOJ indices.

ISSUE:

ERO Boston, St. Albans sub office is seeking to locate and arrest the subject known as Jose Victor GARCIA-Diaz, DOB 07/28/1991. GARCIA-Diaz is a prominent and public member of the immigrant advocacy group "Migrant Justice" located in Vermont. GARCIA-Diaz is amenable to removal, and falls under Priority 2b of the 2014 Secretary Johnson Priority Enforcement memorandum.

BACKGROUND:

In November 2015, St. Albans ICE ERO office became aware of the arrest and conviction of GARCIA-Diaz in Addison County, VT for the offense of Driving Under the Influence (DUI). GARCIA-Diaz was arrested by the Vermont State Police on October 21, 2015. The police affidavit notes that GARCIA-Diaz had an empty case of beer on the floorboards of the car he was driving. He initially denied that he had consumed any alcoholic drinks at all, but failed field sobriety tests, and later breathalyzer analysis showed a blood alcohol content above the legal limit.

He was not lodged after arrest, but instead was cited and released. He therefore did not appear on any PEP notices or correctional facility rosters. Vermont State Police, under a policy by Governor Shumlin that "Migrant Justice" was instrumental in getting passed, are not allowed to make any inquiries into the immigration status of anyone they encounter.

Pursuant to further investigation, it was positively shown that GARCIA-Diaz is a citizen and a national of Mexico. GARCIA-Diaz was issued a VT Driver's Privilege card, which in Vermont is available for issue to undocumented aliens. GARCIA-Diaz provided his Mexican passport (number E11261896) and his Mexican Registro Civil as proof of identity. In addition, he identified himself as an undocumented alien on the application.

On November 2, 2015, GARCIA-Diaz was arraigned on the DUI charge in Vermont Superior Court, Addison Criminal Division. He entered a plea of No Contest on the same date, and was adjudicated guilty. He was sentenced to payment of fines which totaled 667 US dollars, and his VT Driver's License was suspended. He was not sentenced to any period of confinement.

~~Law Enforcement Sensitive — For Official Use Only~~

2018-ICLI-00002 90

EXHIBIT 5	DATE:	10/04/23
	DEPONENT NAME:	Goff, Brady

**ERO Boston – Jose Victor GARCIA-Diaz**

2 of 2

GARCIA-Diaz is a Priority 2b alien, falling under the Secretary Johnson memo of November 2014. St. Albans, VT ICE ERO is seeking to locate and arrest GARCIA-Diaz for issuance of a Notice to Appear.

GARCIA-Diaz is a well-known and prominent member of Migrant Justice, a non-governmental organization in Vermont that advocates for the rights of migrant farmworkers and other aliens. The organization was instrumental in the VT legislature's passing of the law that grants driving privileges to undocumented aliens. Migrant Justice is vocal and public in their opposition to immigration enforcement. Local media attention can reasonably be expected if GARCIA-Diaz is arrested.

~~Law Enforcement Sensitive – For Official Use Only~~

Page 092

Withheld pursuant to exemption

W/F Draft, (b)(5)

of the Freedom of Information and Privacy Act

Page 003

Withheld pursuant to exemption

WIF Draft.(b)(5)

of the Freedom of Information and Privacy Act

## **EXHIBIT 46**

to Declaration of Chris Swift in Response to  
Defendants' Motion for Summary Judgment  
(Dkt. 167)



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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

LA RESISTENCIA, and CAOLITION OF  
ANTI-RACIST WHITES,

Plaintiffs,

vs.

No. 3:18-cv-05860

IMMIGRATION & CUSTOMS ENFORCEMENT,  
MATTHEW T. ALBENCE, in his official capacity  
as Acting Director of Immigration and Customs  
Enforcement;  
and KEVIN MCALEENAN, in his official capacity  
as Acting Secretary of Homeland Security,

Defendants.

**ATTORNEYS' EYES ONLY**

**REMOTE VIDEOTAPED DEPOSITION**

**LONNIE MILLER**

**TAKEN ON  
TUESDAY, OCTOBER 3, 2023  
9:12 A.M.**

**411 WEST CATALDO AVENUE  
SPOKANE, WASHINGTON 99201  
Exhibit 46**

1 Q. Did you follow Mr. Rosas to the parking lot that  
2 day?

3 A. I don't remember if we did or not.

4 Q. Was that something that agents would do from time  
5 to time is follow a target to a certain location?

6 A. Yes.

7 Q. Okay. And what role did Mr. Dietz play in the  
8 arrest?

9 A. He was a co-officer with the arrest.

10 Q. Were there any other agents involved beyond Mr.  
11 Dietz?

12 A. No.

13 Q. So upon seeing Mr. -- upon seeing Rosas at the  
14 parking lot, how did you identify him?

15 A. Based on our prior encounter with him, probably  
16 also with the driver's license photo.

17 Q. And did you stop Rosas at that point when you saw  
18 him?

19 A. Yes.

20 Q. Did you recognize Rosas from any other sources  
21 beyond the driver's license?

22 A. Not that I recall.

23 Q. Did you recognize Rosas from any news articles?

24 A. I was aware that he was involved in a news  
25 article, yes.



1 page 2. There's an email from Nina Shapiro to Lori Haley,  
2 dated November 30th, 2017.

3 If you could take a look at that email.

4 A. Okay.

5 Q. And so, this email notes that: an ICE agent told  
6 him his supervisor asked him to find Rosas and arrest him  
7 because of what appeared in the newspaper.

8 Do you see that statement?

9 A. I do, yes.

10 Q. And who is the ICE agent being referred to here?

11 MS. FAIRFIELD: Objection to form. Calls for  
12 speculation.

13 BY MS. PARIKH:

14 Q. Do you know who the ICE agent being referred to  
15 here is?

16 A. No.

17 Q. Do you know who the supervisor being referred to  
18 here is?

19 MS. FAIRCHILD: Objection to form. Calls for  
20 speculation.

21 BY MS. PARIKH:

22 Q. You may answer.

23 A. I'm not sure that's an accurate statement. So I  
24 don't -- I don't know what they're referring to.

25 Q. Which part are you unsure about?

1 A. I don't believe the portion where it says: an ICE  
2 agent told him his supervisor asked him to find Rosas and  
3 arrest him because of what appeared in the newspaper.

4 Q. And why not?

5 A. Because that didn't occur.

6 Q. Okay. And were you the ICE agent responsible for  
7 Rosas's arrest?

8 A. Yes.

9 Q. Okay. And the supervisor involved in Rosas's  
10 arrest was Mr. Heaton, correct?

11 A. He would have been the second-line supervisor,  
12 yes.

13 Q. Right. Okay. Did the -- did the article that I  
14 showed you earlier play any role in your arrest of Rosas?

15 A. No.

16 Q. Okay. Did the article play any role in your  
17 ability to locate Rosas?

18 A. I don't recall. I don't think so.

19 MS. PARIKH: I'm going to introduce Exhibit 6.

20 THE REPORTER: Number 6, noted.

21 (WHEREUPON, Exhibit 6 is marked for  
22 identification.)

23 BY MS. PARIKH:

24 Q. I'll give you a couple minutes here just to  
25 familiarize yourself with the document.

CERTIFICATE

I, Errin Kent, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 23<sup>rd</sup> day of October, 2023.

A handwritten signature in black ink, appearing to read 'Errin Kent', is written over a horizontal line.

Errin Kent